

30.06.2021

(Via Video Conference)

Court No. 28
Item No. PB-46
nandy/biswas

CRM 2553 of 2021

(bail rejected)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 05.03.2021 in connection with Balurghat Police Station Case No. 378 of 2020 dated 01.10.2020 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act (Special Case No. 73 of 2020).

and

In the matter of: **Deben Barman**

..... Petitioner

Mr. Kaushik Chowdhury, Advocate

Ms. Bushra Khatoon, Advocate

.....for the Petitioner

Mr. Rana Mukherjee, Advocate

Mr. Santanu Chatterjee, Advocate

Ms. Debjani Sahu Banerjee, Advocate

..... for the State

The petitioner has filed the instant application for bail in connection with Balurghat Police Station Case No. 378 of 2020 dated 01.10.2020 under Sections 21(c)/22(c)/23(c)/25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act.

The petitioner has been implicated in the instant case after recovery of the contraband articles (phensedyl) of commercial quantity from his exclusive possession. The petitioner is languishing in jail for nearly 270 days.

It is no doubt true that charge-sheet has already been submitted without the Chemical Examination Report. We do not find it is a fit case where the petitioner is entitled to bail as exception to Section 37 of the Narcotic Drugs and Psychotropic Substances Act has been made out.

The prayer for bail is **rejected**.

The application being **CRM 2553 of 2021** accordingly **dismissed.**

However, we show our concern over the delayed collection of the Chemical Examination Report, which impedes the progress of the trial.

We thus, direct the State to collect the said report within four weeks from date and further steps which are required to be taken shall be taken in this regard upon showing alacrity.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)