

12.07.2021

Court No.28
Item No.02

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As

(Mentioned)

CRM 3220 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Berhampore Police Station Case No. 189 of 2020, dated 22.02.2020 under Sections 22(c)/29 of the Narcotic Drugs and Psychotropic Substances Act (N.D.P.S. Case No. 42 of 2020).

And

In the matter of : **Lalmun Bibi @ Bewa & Ors.**
...Petitionerss

Mr. Mrityunjoy Chatterjee,
Mr. G. N. Imrohi.

...For the Petitionerss

Mr. Binoy Kumar Panda,
Ms. Puspita Saha,
Mr. Subham Bhakat.

...For the State.

The petitioners have filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Berhampore Police Station Case No. 189 of 2020, dated 22.02.2020 under Sections 22(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

The Investigating Officer, who was sleeping in slumber for nearly a year, woke up after we passed an order on 7th July, 2021 directing the State to ensure that the Chemical Examination Report is collected from the Central Forensic Science Laboratory.

Today when the matter is taken up, the learned Advocate for the State concededly submits that the Investigating Officer has collected the report.

We are surprised and amazed after perusing the date of the report, which appears to be 13th August, 2020, and the same was lying with the laboratory and the Investigating Officer did not care to collect the same. Because of the apathetic, lethargic and dormant attitude of the said officer the progress of the case has been delayed and the accused, who is languishing in jail for nearly one and half

year, is waiting for justice to be imparted.

It is onerous duty of the Investigating Officer to show alacrity and promptness in investigation so that the trial may commence and reach to its logical conclusion at the earliest. Such lackadaisical attitude of the Investigating Officer cannot be appreciated and, therefore, we direct the Public Prosecutor to bring such incident to the notice of the concerned Superintendent of Police for suitable action to be taken.

Though the charge sheet was filed within the statutory period provided under the N.D.P.S. Act, but a mechanical prayer is made to submit a supplementary charge sheet after obtaining the chemical examination report from the concerned laboratory.

Such dormant attitude is surfaced, which delayed the filing of supplementary charge sheet, as the chemical examination report being one of the important piece of evidence in this case, is not filed and/or obtained showing promptitude.

The Investigating Officer is thus directed to take immediate steps as the chemical examination report has now been collected after the order was passed by this Court.

Since the commercial quantity of contraband has been recovered from the joint possession of the petitioners and because of such conduct of the Investigating Officer, we do not think that it is a fit case, where the petitioners should be enlarged on bail.

Accordingly the prayer for bail of the petitioners is rejected.

The application for bail, being CRM 3220 of 2021, is thus **dismissed.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)