

(Via Video Conference)

CRM 3368 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Raninagar Police Station** Case No. **258 of 2020** dated **16.07.2020** under Section **21(C)** of the NDPS Act, 1985.

- A n d -

In the matter of : Kalam Molla @ Kolom Molla

.... Petitioner.

Mr. S. Mukherjee,

... For the Petitioner.

Mr. S. Datta,

... For the State.

The petitioner renews his prayer for bail. He has been charged under the provisions of Narcotic Drugs and Psychotropic Substances Act, 1985. Commercial quantity of contraband item has been recovered from him, that is the charge.

The petitioner says that Section 50 of the NDPS Act was not complied with at the time of his arrest. There was no Gazetted Officer present at the spot. The prosecution case comes under serious doubt for such non-compliance.

We have seen the material in the case diary. The chemical report is still unavailable. This is unfortunate. We direct the State to produce the chemical report before the Learned Trial Court as soon as possible and in any event within a period of four weeks from date.

In view of the statutory restrictions in Section 37 of the NDPS Act and also in view of the earlier rejection of the

petitioner's prayer vide order dated December 1, 2020 passed in CRM 9479 of 2020 and there being no material change in circumstances since then, we are not inclined to grant bail to the petitioner at this stage.

In the event of the State failing to produce the chemical report before the Learned Trial Court within the time period indicated above, the petitioner may renew his prayer for bail.

The prayer for bail is rejected.

CRM No. 3368 of 2021 is, thus, dismissed.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)