

09.08.2021
Item no. 73
Court No.32.
S.De.
(rejected)

(Via Video Conference)

CRM 3923 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.06.2021 in connection with Chandannagar Police Station Case No. 40 of 2020 dated 28.05.2020 under Sections 21(C) of Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Manick Roy.

.....Petitioner.

Mr. Sandipan Ganguly, Sr. Advocate,
Mr. Abdus Salam, Advocate,

.....for the Petitioner.

Mr. Sanjoy Bardhan, Advocate,

.....for the State.

The Medical Report that we had called for has been filed today.

Let the same be kept with the record.

From the Medical Report, we do not find that the petitioner is suffering from any critical ailment.

Mr. Ganguly, learned senior counsel appearing for the petitioner submits that there was non-compliance of Section 52A of the N.D.P.S. Act. The sample that was sent for chemical analysis was not drawn in the presence of a Magistrate.

Learned advocate for the State produces the case diary. From the material in the case diary, it appears that the instruction of Mr. Gangully is not correct. There is a certificate of the learned Magistrate to the effect that the sample was drawn in his presence and, thereafter the main jar was sealed once again.

In view of the aforesaid and in view of the fact that commercial quantity of contraband substance was recovered from the possession of the petitioner and in view of the statutory restriction under Section 37 of the N.D.P.S. Act and also given the fact that twice before the petitioner's prayer was rejected, we are not inclined to allow this application.

Accordingly, CRM 3923 of 2021 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)