

16.08.2021

Court No.28
Item No.13
(REJECTED)

Ab

CRM 4149 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 15.06.2021 in connection with Duttapukur Police Station Case No. 728 of 2019 dated 29.09.2019 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Sagoto Ghosh.**

...Petitioner.

Mr. Angshuman Chakraborty.

...For the Petitioner

Mr. Rana Mukherjee,

Mrs. Sujata Das,

Ms. Debjani Sahu.

... For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Duttapukur Police Station Case No. 728 of 2019 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act.

A plea has been taken that despite the mandate under Section 36A(4) of the Narcotic Drugs and Psychotropic Substances Act, the Chemical Examination Report has not been collected by the prosecution and in view of the outer cap, the petitioner is entitled to be released on bail.

Admittedly, the commercial quantity of contraband was recovered from the exclusive possession of the petitioner. The charge-sheet was submitted within the statutory period without obtaining Chemical Examination Report.

Learned Advocate for the State submits that subsequently the Chemical Examination Report was obtained and supplementary charge-sheet has already been submitted.

After perusing the provision contained under Section 36A(4) of the Narcotic Drugs and Psychotropic Substances Act, we do not find any reference of obtainment of the Chemical Examination Report within the time indicated therein. The said provision relates to filing of the charge-sheet and the power of the Court to extend the time with an outer cap of one year.

We, thus, do not find any ground justifying release of the petitioner on bail.

The application for bail being CRM 4149 of 2021 is **rejected**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)