

43.
24-08-2021
(ct. no.32)
debajyoti

CRM 4264 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with ECO Park Police Station Case No.209 of 2020 dated 08-11-2020 under Section 21 (C) of the NDPS Act.

- A n d -

In the matter of : Nowsar Ali

.... Petitioner.

Mr. Kamalesh Chandra Saha

... For the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Ashok Das,
Mr. Mainak Gupta

... For the State.

Commercial quantity of Codeine mixture was recovered from the possession of the petitioner. In view of the restrictions in Section 37 of the NDPS Act, we are not inclined to allow the prayer of the petitioner for bail at this stage.

The petitioner says that he has been in custody for 287 days. The charge-sheet has been filed without even obtaining the chemical analysis report. The State produces the chemical analysis report and says that the supplementary charge-sheet is ready and will be filed. The petitioner says that the provisions of Sections 42 and 50 of the NDPS Act as well as Sections 100 and 102 of the Code of Criminal Procedure have not been complied with by the police authorities. The petitioner shall be at liberty to urge this point at the trial.

The application for bail being CRM 4264 of 2021 is, thus, **dismissed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)