

27.09.2021

CRM 4443 of 2021

Court No.28
Item No.16
(Rejected)

Akd

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Baguiati Police Station Case No. 333 of 2020 dated 28.09.2020 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Sk. Altab alias Dulal**

...Petitioner.

Mr. Angshuman Chakraborty.

...For the Petitioner.

**Mr. Madhusudan Sur,
Mr. Dipankar Pramanick.**

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Baguiati Police Station Case No. 333 of 2020 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

Commercial quantity of contraband was recovered from the possession of the petitioner.

Our attention is drawn that till date the chemical examination report has not been submitted and the petitioner is languishing in jail for more than one year.

Learned Advocate for the State opposes the prayer for bail and submits that the chemical examination report was subsequently obtained and the supplementary charge sheet has also been submitted.

However, both the Counsels are not in a position to apprise the Court whether charges have been framed or not.

In view of the above we do not think that the petitioner has been able to make out a case taking exception to Section 37 of the N.D.P.S. Act.

The prayer for bail is thus rejected.

However, if the charges have not yet been framed, we request the learned Judge under the N.D.P.S. Act to fix the date not exceeding 15 days from the date of the communication of this order for framing of charges and shall thereafter expedite the trial of the case.

The application for bail being **CRM 4443 of 2021** is **dismissed.**

(Harish Tandon, J)

(Bibek Chaudhuri, J.)