

30.09.2021
Item no. 58
Court No.32.
S.De.
(Rejected)

(Via Video Conference)

CRM 4642 of 2021

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.07.2021 in connection with Baruipur Police Station Case No. 2907 dated 19.12.2019 under Sections 21(b)(ii)(C) of Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Safikul Sardar @ Safik.

.....Petitioner.

Md. Khairul, Advocate,

.....for the Petitioner.

Mr. Sudip Ghosh, Advocate,

Mr. Bitasok Banerjee, Advocate,

.....for the State.

The petitioner says that he is in custody for a little less than two years. It is anybody's guess as to when the trial shall conclude. He points out that there is an error in the work sheet for Phensedyl/ Coneine Phosphate Solution /Coneine Mixture which is relied upon by the petitioner.

The State says that the trial is in progress. Two witnesses have already been examined.

We have seen the material on record. Commercial quantity of contraband was allegedly recovered from the petitioner. In view of the restrictions in Section 37 of the

N.D.P.S. Act, we are not inclined to entertain the petitioner's prayer for bail.

The error that learned advocate for the petitioner points out in the work sheet, is an obvious clerical mistake. The period of testing has been mentioned as 11.03.2019 to 13.03.2019. The date of receipt of the sample was 23.12.2019. The period of testing would obviously be 11.03.2020 to 13.03.2020. However, these observations are prima facie and made only for the purpose of disposing of this application for bail. None of the observations in this order shall have any bearing on the trial of the case.

CRM 4642 of 2021 is, accordingly, dismissed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)