

24.11.2021
Serial no.655

Aloke
Ct. No. 29

(Through Video Conference)

CRM 5105 of 2021

In re : An Application for bail under Section 439 of the Code of Criminal Procedure filed on 03.08.2021 in connection with Karandighi Police Station Case No. 05 of 2021 dated 04.01.2021 under Sections 21(C)/29 of the NDPS Act.

-And-

In the matter of : **Mobarak Sekh**

... ...Petitioner

Mr. Amitabha Karmakar, Advocate

Mr. Arup Kumar Bhowmick, Advocate

... ... For the Petitioner

Mr. Binay Panda, Advocate

Ms. Puspita Saha, Advocate

Mr. Subham Bhakat, Advocate

... ...For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that considering the period of detention and considering the fact that the police are yet to submit the Forensic Laboratory Report, Court should grant bail to the petitioner.

Learned Advocate appearing for the State submits that the police are yet to receive the report from the Forensic Laboratory.

Considering the fact that commercial quantity of contraband was seized from the joint possession of the petitioner, we are of the view that the petitioner is unable to rebut the presumption under Section 37 of the NDPS Act, 1985. Consequently, we are not inclined to grant bail to the petitioner.

The prayer for bail is, thus, rejected.

However, we direct the prosecution to submit the Forensic Laboratory Report preferably within a month from date.

CRM 5105 of 2021 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)