

CRM 5311 of 2021
(via video conferencing)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Laltu Molla

Petitioner

Mr. Angshuman Chakraborty
Mr. S. S. Saha

For the Petitioner

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Swarupnagar P.S. Case No. 449/21 dated 09.05.2021 under section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Chakraborty, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody since May, 2021 and the chemical report is still awaited.

Mr. Bardhan, learned advocate appearing for the State submits that on the last date fixed for hearing, i.e. on 7th December, 2021 some time has been sought for by the Director, State Drugs Control & Research Laboratory to submit the report. In support of such contention he has placed before us a memo dated 7th December, 2021 issued by the concerned Director. Let the same as produced, be kept on record.

It appears that there had been recovery of contraband substance above commercial quantity from the possession of the petitioner and as such, the rigors of Section 37 of the NDPS Act are attracted. In view thereof, the petitioner's prayer for bail is refused.

However, it is incumbent upon the State authorities to take expeditious steps to submit the chemical report so that the trial can commence. From the contents of the memo dated 7th December, 2021, it appears from the Director had sought for some more time to submit the report.

In view thereof, this Court directs the Director, State Drugs Control & Research Laboratory to submit such report, as expeditiously as possible, preferably within a month from date.

Upon submission of such report, the supplementary charge sheet shall be filed immediately so that the learned Court below can take up all question of consideration of charges, without granting any unnecessary adjournment to the parties and commence trial immediately, thereafter, if charges are framed and conclude the same as expeditiously as possible.

With the above observations and directions, the application being CRM 5311 of 2021 is disposed of.

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

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)

