

CRM 5805 of 2021

In re: An application for anticipatory bail under Section 439 of the Code of Criminal Procedure in connection with Murutia Police Station Case No.93 of 2019 dated 05-06-2019 under Section 21(c) of the NDPS Act and Section 46(b) of Bengal Excise Act.

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In the matter of : Durjadhan Mahata @ Durjadhan Mahato
.... Petitioner.

Mr. Debarshi Brahma,
Mr. Sagnik Mukherjee

... For the Petitioner.

Mr. Imran Ali,
Mr. Mirza Firoj Ahmed Begg

... For the State.

Learned counsel for the petitioner contends that, while moving a previous bail application by the petitioner, another coordinate Bench had directed the chemical analysis report to be filed within a specific period.

Learned counsel for the State hands over a copy of such report for the perusal of Court and submits that the same has been furnished in the meantime. It appears from the said report that commercial quantity of contraband item (Codeine Phosphate) has been recovered from the petitioner. As such, pursuant to Section 37 of the NDPS Act, there is a bar to grant of bail.

Accordingly, the application for bail being CRM 5805 of 2021 is **dismissed** thereby rejecting the prayer for bail of the petitioner. However, the Special Judge under NDPS Act, Krishnagar, Nadia is requested to commence and dispose of trial of NDPS Case No.64 of 2019 at the earliest as per roster of the said court.

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

(**Bivas Pattanayak, J.) (Sabyasachi Bhattacharyya, J.)**