

25.01.2021

Item No.9

Ct.No.28

dc.

C.R.M. 8239 of 2020
(Via Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure.

And

In Re : **Sri Sankar Pal**

... Petitioner.

Mr. Tulshi Das Roy,
Mr. Tushar Kanti Mukherjee,
Mr. Tapan Roy,
Mr. Tirthankar Roy

... For the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Manisha Sharma

... For the State.

The present application under Section 439 of the code of Criminal Procedure has been preferred by the petitioner in connection with Case No. N-96/2019 arising out of Belgharia P.S. Case No. 518 of 2019 dated 01.08.2019 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

The learned advocate appearing for the petitioner submits that the petitioner is in custody for 543 days and the charge-sheet was submitted without the chemical examiner's report. It is further contention of the learned advocate for the petitioner that sample so sent to the

chemical examination is questionable in view of the fact that there has been no drawing of sample at the spot.

Mr. Bardhan, learned advocate appearing for the State opposes the prayer for bail and draws our attention to the seizure list and all the documents enclosed in the case diary.

We have perused the materials on record and on perusal of the seizure list, we find that the contraband so seized is of commercial quantity. As such, the petitioner has been unable to overcome the rigors of Section 37 of the N.D.P.S. Act and is not entitled to be released on bail. Accordingly, the prayer for bail of the petitioner is rejected.

However, the petitioner is granted liberty to agitate the points canvassed in the bail application at the time of consideration of charge so far as the issue of facts and issue of laws are concerned. The learned trial court will take endeavour to expedite the progress of the trial after the stage of consideration of charge is over.

The application for bail, being CRM 8239 of 2020, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)