

25.01.2021
Court No.28
Item No. 19
Krishnendu
Bail Rejected

**CRM 9270 of 2020
(Via video Conference)**

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

And

In Re : **Asmat Sk. & Anr.**

.....Petitioners

Mr. Atis Kumar Biswas

Mr. Amit Singh

....For the Petitioners

Mr. Sanjoy Bardhan

.....For the State

As prayed for, leave is granted to the learned advocate for the petitioners to amend the cause title of the petition.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Hogalberia Police Station Case No. 170 of 2019 dated 20.09.2019 under sections 21(c)/29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (Case No. N-87 of 2019) .

The learned advocate appearing for the petitioners submits that the petitioners are in custody for 483 days. The petitioners and others were implicated but till date there has been no progress in the case.

The learned advocate appearing for the State opposes the prayer for bail and submits that from the joint possession of the petitioners, the contraband was recovered, which was commercial quantity.

We have perused the case diary, more particularly the seizure list and other statements. Having regard to the fact that the petitioners were enjoying possession of commercial quantity of contraband, the provisions of section 37 of the N.D.P.S. Act are attracted. As such, the petitioners are not entitled to bail. Thus, the prayer for bail is rejected.

However, if the Chemical Examiner's report is not made available, the Trial Court would pass specific direction upon the Investigating Officer of the case so that within a period of six weeks the Chemical Examiner's report is available before the learned Trial Court. The learned Trial Court would thereafter expedite the progress of the trial.

With the aforesaid observations, the application for bail, being CRM 9270 of 2020, is disposed of.

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)