

17.03.2021.
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as
(Rejected)

**C.R.M. 9914 of 2020
(Through Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Case No.N-104 of 2019 arising out of Baduria P. S. Case No.308 of 2019 dated 12.07.2019 under Sections 21 (C) of the N. D. P. S. Act.

In the matter of : Mizanur Hossain @ Mijanur Hossain.
.... Petitioner.

Mr. Sabir Ahmed,
Mr. Shraman Sarkar,
Md. Yusuf Ali,
Mr. A. Saha,
Mr. Mujibar Ali Naskar.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

This is an application for bail in connection with Case No.N-104 of 2019 arising out of Baduria P. S. Case No.308 of 2019 dated 12.07.2019 under Sections 21 (C) of the N. D. P. S. Act at the behest of the petitioner.

The learned Advocate appearing for the petitioner submits that he is in custody for about 600 days and yet the Chemical Examiner's report has not been submitted. The learned Advocate further submits that the petitioner is suffering from neurological disorder and the same would be evident from the documents annexed to the petition. The learned Advocate

further submits that on any condition he may be released on bail.

Mr. Sur, learned Advocate appearing for the State opposes the prayer for bail and draws our attention to the seizure list and submits that 5.2 ltrs. of codeine mixture was recovered from the possession of the petitioner and the Chemical Examiner's report was submitted before the Special Court on 18th September, 2020 and the next date has been fixed on 4th May, 2021 for consideration of charge.

Heard the learned Advocates appearing for the parties and on perusal of the relevant documents, we find that commercial quantity of contraband articles are involved and as such, Section 37 of the N. D. P. S. Act is attracted. Thus the petitioner is not entitled to be released on bail at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

However, if the petitioner takes out any application so far as medical assistance is required, the learned Special Court would consider the same in accordance with law.

(Harish Tandon , J.)

(Tirthankar Ghosh, J.)

