

28.01.21 In re: An application for bail under Section 439 of the Code of Criminal
(S.R.) Procedure filed in connection with **Swarup Nagar** Police Station FIR
Sl.19 No.**1095 of 2019** dated **12.12.2019** under Sections **21(C)** of Narcotic
Ct.28 Drugs and Psychotropic Substances Act;

And

In re: Samir Mondal

... petitioner.

Mr. Bikash Ranjan Bhattacharya
Mr. Arindam Jana
Mr. Bikram Banerjee

... for the petitioner.

Mr. Sudip Ghosh
Mr. Bitasak Banerjee

...for the State.

Mr. Bhattacharya, learned advocate for the petitioner submits that about 5.5 liters of codeine mixture were involved in this case and the petitioner has been falsely implicated. The petitioner is in custody for more than one year and charge-sheet has already been submitted without the chemical examination report.

Mr. Banerjee, learned advocate for the State opposes the petitioner's prayer for bail and submits that commercial quantity of contraband was seized from the possession of the petitioner and as such, he is not entitled to be released on bail.

In view of the fact that the commercial quantity of contraband being seized from the possession of the petitioner, the provisions of Section 37 of the NDPS Act has been effected and as such, the petitioner is not entitled to release on bail at this stage. Thus, prayer for bail is rejected.

An additional prayer has been submitted on behalf of the learned advocate for the petitioner that the petitioner is suffering from cardiac ailment and allergy being aged about 49 years. In case, an application is taken out by the petitioner before the learned Special Court regarding the health treatment of the petitioner, the learned Special Court will pass direction upon the jail authorities so that proper arrangements can be made for treatment of the petitioner.

The learned Special Court is also directed to pass an order upon

the investigating officer so that the chemical examination report can be submitted within a period of 60 (sixty) days from the date of passing of the order so that the same can be submitted along with the supplementary charge-sheet within a reasonable period of time.

With the above observations and discussions, CRM No.10905 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)