

29.01.2021
Court No.28
rpan / 23

C.R.M. 11070 of 2020
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Swarup Nagar Police Station Case No.395 of 2020 dated 18.08.2020 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Golam Odud Mollah**

...Petitioner.

Mr. Ashok Kumar Chowdhury

....for the petitioner.

Mr. Rana Mukherjee,

Mr.Suman Saha

....for the State.

The learned advocate for the petitioner submits that the petitioner is in custody for more than 5 months and he has been unnecessarily detained and charge-sheet has been filed without the chemical examiner's report. In view of the trial not being concluded within a reasonable period of time, the learned advocate submits that the petitioner may be released on any stringent condition.

The learned advocate for the State opposes the prayer for bail and submits that 5.5 litres of codeine mixture were recovered from the exclusive possession of the petitioner. The learned advocate further submits that every effort is being made by the Investigating Officer for submitting the chemical examiner's report.

Having regard to the fact that the contraband, so seized, was of commercial quantity, we are of the opinion that the petitioner has failed to overcome the hurdle of Section 37 of the

NDPS Act. As such, the petitioner is not entitled to be released on bail. The prayer for bail of the petitioner is, thus, rejected.

However, the learned trial court would monitor regarding the chemical examiner's report and pass specific directions upon the investigating officer so that the chemical examiner's report would be available within a period of three months from date.

With the aforesaid observations, CRM 11070 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)