

CRM 2147 of 2021

In re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Chatterjee Hat P.S. Case No. 182 of 2019 dated 18.09.2019 under Sections 20(b)(ii)C of the NDPS Act.

-And-

In the matter of: **Md. Asif @ Chotu @ Chatu**

... ...Petitioner

Mr. Ratan Das, Advocate

... ... For the Petitioner

Mr. Madhusudan Sur, Id. PP

Mr. Manoranjan Mahata, Advocate

... ... For the State

Petitioner prays for bail.

Learned Advocate appearing for the petitioner questions the sample sent for forensic examination.

Learned Advocate appearing for the State draws the attention to the materials in the case diary including the exhibit challan.

Whether or not, appropriate procedure was followed for the purpose of taking sample and obtaining the report from the appropriate Forensic Laboratory is an issue to be decided at the trial, if raised.

At this stage, there is no conclusive material to establish that no narcotic was seized from the possession of the petitioner.

Considering the fact that commercial quantity of narcotic was seized from the possession of the petitioner, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985. Consequently, we are unable to grant bail to the petitioner.

CRM 2147 of 2021 is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)