

21.02.2022

Court No.32
rpan / 04

C.R.M. 8553 of 2021

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

And

In re: **Samrat Sarkar**

- Petitioner.

Mr. Pradip Majumder,
Ms. Piyali Mukherjee,
Mr. Sandip Bagchi
....for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Nirupam Dhali
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Haringhata Police Station Case No. 144 of 2021 dated 07.06.2021 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [NDPS no.56 of 2021].

Mr. Majumder, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated and he is in custody since 7th June, 2021 and there is no possibility towards early conclusion of the trial.

Pursuant to the earlier order Mr. Bardhan, learned advocate appearing for the State has filed a report wherefrom it appears that the FSL report is still awaited. Let the report be kept on record. He opposes the petitioner's prayer, as contraband substance above commercial quantity was recovered from the exclusive possession of the petitioner.

Heard the learned advocates and considered the materials in the case diary.

It appears that contraband substance above commercial quantity was recovered from the possession of the petitioner and as such, the statutory restrictions are attracted. In view thereof, the petitioner's prayer for bail is refused at this stage.

The report, as filed today, reveals that since 25th October, 2021 repeated reminders were issued to the Director, State Drug Control & Research Laboratory to furnish the FSL report but in vain. In view thereof, this Court directs the Director, State Drug Control & Research Laboratory to supply the FSL report within a month from the date of communication of this order so that supplementary charge sheet, if any, can be filed immediately.

The learned court below shall thereafter take steps to commence the trial and conclude the same expeditiously.

With the above observations, the application for bail, being CRM No. 8553 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)