

01.03.2022
Court No.01
Item No.33
Saswata
(rejected)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

**CRM (NDPS) 45 of 2022
(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Cooch Behar Kotwali Police Station Case No. 840 of 2021 dated 24.08.2018 under Sections 20(b)(ii)(C)/29 of the NDPS Act.

And

In Re: **Sahin Hoque**

Petitioner

Ms. Mousumi Das

For the Petitioner

Mr. Aditi Sankar Chakraborty, APP
Mr. Kallol Acharjee
M. Sagnik Sarkar Sikdar

For the State

The petitioner is seeking bail in connection with Cooch Behar Kotwali Police Station Case No. 840 of 2021 under Sections 20(b)(ii)(C)/29 of the NDPS Act.

The petitioner is in custody for nearly 188 days in connection with the aforementioned case. The apprehension of the petitioner was made upon an alleged recovery of 25 Kgs 600 grams of contraband (*ganja*).

The prosecution has submitted the charge sheet. It appears that no chemical examination report has been submitted as yet.

According to the learned Additional Public Prosecutor, leave has already been sought by submitting charge sheet that upon obtaining the chemical examination report supplementary charge sheet shall be filed. Though there is no bar in filing the supplementary charge sheet subsequent to

the filing of the charge sheet, but the same should not be unreasonably delayed so as to impede the trial of the case.

We, therefore, direct the Investigating Officer to immediately obtain the chemical examination report from the State Forensic Laboratory which would not be beyond 15 days from the date of the order.

Liberty is granted to the Investigating Officer to produce the instant order to the higher official of the State Forensic Laboratory for the purpose of securing the time limit indicated hereinabove. Immediately upon obtaining the chemical examination report and submission of charge sheet, Learned Judge of the Special Court is requested to take up the matter and expedite the trial of the case.

The prayer for bail is, thus, *rejected*.

The application for bail being CRM (NDPS) 45 of 2022 is accordingly dismissed.

(Harish Tandon, J)

(Rabindranath Samanta, J)