

32.
11-01-2022
(ct. no.01)
debajyoti

(rejected)

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

(Via Video Conference)

CRM 1299 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jaigaon Police Station Case No.262 of 2020 dated 08-11-2020 under Section 17(e) of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Raj Kumar Sha & Ors.

.... Petitioners.

Mr. Sandeep Dutta,
Mr. Debjit Kundu

... For the Petitioners.

Mr. Arun Kumar Sarkar,
Mr. Biswarup Roy

... For the State.

From the seizure list, it appears that 270 grams of Brown Sugar was recovered from the joint possession of these petitioners. The petitioners say that Charge Sheet has been filed without the FSL report. The FSL report is still not available. The petitioners are in custody for about 18 months. The petitioners further say that there is an over-writing in the seizure list. 250 grams has been struck off and is substituted by 275 grams.

Insofar as the over-writing is concerned, we are of the view that the same is of no significance. It is duly initialed by the concerned officer. In any event, 250 grams is also commercial quantity. In view of the restriction in Section 37 of the NDPS Act, we are not inclined to allow the petitioners' prayer for bail.

However, it is definitely alarming that still the FSL report is not available. Without such report, the State will not be in a position to file supplementary Charge Sheet and the trial will not begin. The petitioners are languishing in jail for a long time.

We direct the State to take all necessary steps so that the FSL report is available with it within four weeks from date and is immediately placed before the learned trial Court so that all further steps can be taken for expeditious commencement and disposal of the trial.

The application for bail being CRM 1299 of 2021 is **disposed of** on those terms.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)