

01.06.2023.
08.
Ct.No.08
as/TN
(Rejected)

C.R.M. (NDPS) 1076 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.40 of 2022 arising out of Jalangi P. S. Case No.37 of 2022 dated 01.02.2022 under Sections 21(b)/29 of the NDPS Act and chage sheet submitted under Sections 21(b)/29 of the NDPS Act.

In the matter of : Azahar Ali.

.... Petitioner.

Mr. Soumik Ganguly,
Md. Sabbir Biswas.

...for the Petitioner.

Mr. Arijit Ganguly,
Mr. Palash Ch. Majhi.

...for the State.

Mr. Soumik Ganguly, learned Advocate appearing for the petitioner submits that there was no extension of time prayer advanced for submission of the charge sheet and secondly the contraband, which was seized, was not sent to the chemical examiner for being tested and confirmed regarding the nature of the substance.

Mr. Arijit Ganguly, learned Advocate appearing for the State produces the case diary and refers to both the seizure lists. Learned Advocate has also drawn the attention of the Court to the chemical examiner's report.

We have perused the materials available in the case diary and also taken into consideration the earlier order passed in CRM (NDPS) 614 of 2023 dated April 3, 2023 passed by a Co-ordinate Bench of this Court regarding the statutory restrictions applicable under Section 37 of the NDPS Act as commercial quantity for heroin has been recovered.

Having considered the same, we are of the opinion that this is not a fit case for grant of bail to the petitioner.

Accordingly, application for bail being CRM (NDPS) 1076 of 2023 is dismissed.

(Supratim Bhattacharya, J.)

(Tirthankar Ghosh, J.)