

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

11.04.2023
Court No.1
(D/L 25)
(rejected)

CRM (NDPS) 250 OF 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 03.03.2023 in connection with Kotwali Police Station Case No.36 of 2021 dated 25.01.2021 under Sections 20 (b)(ii)(c)/25/29 of the NDPS Act, 1985 corresponding to NDPS Case No.02 of 2021.

And

In the matter of: **Sanjit Roy**

... Petitioner.

Mr. Biswarup Roy

... for the petitioner.

Mr. Aditi Shankar Chakraborty, APP

Mr. Kallol Nag

... for the State.

It is submitted on behalf of the petitioner that in the instant case, inter-State trafficking of narcotics is involved and the extension of the period of detention was solely on the ground of non-availability of the Chemical Examiner's report.

On this pretext, report has been called for by the previous Circuit Bench. The present case is dated 25.01.2021 and the FSL report which is already a part of the case diary is dated 23.06.2021.

Learned counsel for the petitioner submits that by a petition dated 12.07.2021, the learned prosecutor had objected to and had prayed for extension of time, on the ground that the FSL report could not be collected.

The petitioner has brought to the notice of this Court that in para 6 of the petition dated 12.07.2021 praying for extension of time for investigation, it is stated by the learned public prosecutor that the concerned authority have not completed the report, which appears to be a miscommunication and the learned public prosecutor is requested to be careful in future as from the case diary, it appears that the FSL report is dated 23.06.2021 and is part of the case diary within the statutory period.

Accordingly, this Court is not inclined to grant bail at this stage.

The application for bail is, thus, rejected.

[SHAMPA DUTT (PAUL), J.]

(RAJARSHI BHARADWAJ, J.)