

28.11.2023

Serial no.9

Court No.1

(CHC)

(Rejected)

*Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side*

CRM (NDPS) 845 of 2023

*In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973 in connection with **Birpara** Police Station Case No. **35/2023** dated **16.03.2023** under Sections **21(c)/25/29** of the Narcotic Drugs and Psychotropic Substances Act.*

-And-

In the matter of : **Hosen Ali @Naru**

... .. Petitioner

*Mr. Jaydeep Kanta Bhowmik, Advocate
Ms. Bedashruti Bose, Advocate
Mr. Sayantan Bhowmik, Advocate
... .. For the Petitioner*

*Mr. Aditi Shankar Chakraborty, Ld. A.P.P.
Mr. Sourav Ganguly, Advocate
... ..For the State*

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that, police filed charge-sheet without obtaining the chemical examination report.

Learned advocate appearing for the State submits that, commercial quantity of narcotics were recovered from the possession of the petitioner.

The issue raised by the petitioner, with regard to non obtaining of Forensic Science Laboratory report, may be raised at the trial, if so advised.

Since, commercial quantity of narcotics were seized from the possession of the petitioner, we are of the view that, petitioner is unable to overcome the restrictions under Section 37 of the N.D.P.S. Act, 1985. Consequently, prayer for bail of the petitioner is rejected.

CRM (NDPS) 845 of 2023 is dismissed

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)