

13.02.2024.
11.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 232 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.25 of 2023 arising out of Raninagar P.S. Case No.110 of 2023 dated 26.02.2023 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Mithun Sk & Ors.**

... Petitioners.

Mr. Anisur Rahaman.

...for the Petitioners.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mr. Iqbal Kabir.

...for the State.

1. Petitioners contend dispatch memo enclosing the chemical report from State Drug Control and Research Laboratory was dated 08.05.2023 but the Investigating Officer received the report on 05.05.2023. Accordingly, they pray for bail.

2. Learned Advocate for State opposes the bail prayer. He submits report. From the report, it appears that the chemical report was signed by the Director, State Drug Control and Research Laboratory on 26.04.2023 and was dispatched vide memo dated 08.05.2023.

3. In the light of the aforesaid report, we are of the opinion there is no inconsistency with regard to chemical examiner's report which was prepared on 26.04.2023 but the memo under which it was dispatched on 08.05.2023.

4. This situation also does not improbabilise the version of the police constable who claimed that he physically

collected the report on 04.05.2023 from the office of the State Drug Control and Research Laboratory.

5. In the light of the aforesaid circumstances and as the recovery of narcotics is above commercial quantity, we are not inclined to grant bail to the petitioners.

6. Accordingly, the prayer for bail of the petitioners is rejected.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)