

29.08.19

Sl. No.5

akd

Ct. No.1

[Rejected]

CALCUTTA HIGH COURT

In the Circuit Bench at Jalpaiguri

C. R. M. 772 of 2019

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.08.2019 in connection with New Jalpaiguri Police Station Case No. 725 of 2018 dated 09.10.2018 under Sections 20(b)(ii)(c)/23(c)/25 of the NDPS Act. (NDPS Case No. 42 of 2018)

And

In Re: **Suraj Singh**

... .. Petitioner

Mr. Kallal Ghosh .. Advocate

... .. for the petitioner

Mr. Nilay Chakraborty .. Sr. Govt. Advocate

Mr. Biswarup Roy .. Advocate

... .. for the State

The petitioner is seeking bail in connection with a case relating to offences punishable under Sections 20(b)(ii)(c)/23(c)/25 of the NDPS Act.

It is submitted on behalf of the petitioner that he is in custody for more than 180 days and the extension of statutory period of detention was allowed after the expiry of the said period.

Learned advocate for the State opposes the prayer for bail and submits that the application seeking extension of the statutory period of time was filed within the stipulated time and there are prima facie materials to show that the petitioner was dealing in narcotic substance above commercial quantity.

We have considered the rival submissions of the parties. Application for extension of statutory period of detention under Section

36-A(4) of the NDPS Act was filed within the statutory period of detention and therefore, the order extending the said period beyond 180 days cannot be said to be without jurisdiction. It is trite law that no party ought to suffer due to delay in judicial process.

Under such circumstances, we are of the view that in the factual matrix of the case, petitioner is not entitled to statutory bail.

On merits, we find sufficient material connecting the petitioner in dealing in narcotic substance above commercial quantity and in view of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined in granting bail to the petitioner.

The application for bail is thus **rejected**.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)