

15.09.2020
Court No. 19
Item No. 3
abhar/bdatta

CRM 6456 of 2020
in
CRAN 1 of 2020
(Via Video Conference)

(allowed) In Re: An application for Bail under Section 439 of the Code of Criminal Procedure in connection with Contai P. S. Case No. 75 of 2020 dated 20.02.2020 under Sections 20(b)(i)(c)/29 of the N.D.P.S. Act.

and

In the matter of: Swapan Dolai.

..... Petitioner

Mr. Suman De.

.....for the Petitioner

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan.

..... for the State

The learend advocate for the petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up.

The application being CRAN 1 of 2020 is accordingly disposed of.

Mr. De, learned advocate for the petitioner submits that although the petitioner was arrested on 20th February, 2020, till date the investigating agency has failed to submit charge sheet. The learned advocate further submits that in view of the fact that 180 days have expired in the meantime and the investigating agency failed to submit the charge sheet within the statutory period, the petitioner is entitled to be released on bail under Section 36 of the N.D.P.S. Act.

Mr. Ganguly, the learned advocate appearing for the State draws the attention of this Court to the fact that about 5 litres of codeine mixture were recovered from the possession of the petitioner and the same is of commercial quantity, however, he admits that till date charge sheet has not been submitted by the investigating agency.

We have considered the materials on record, more particularly forwarding report dated 21st February, 2020 which reflects that the petitioner was for the first time produced before the learned Special Court, Tamluk on 21st February, 2020 and in view of the fact that in the meantime 180 days have already expired and the investigating agency has failed to submit the charge sheet as mandate under the aforesaid statute, the petitioner is entitled to default bail under the provisions of law. Accordingly, the prayer for bail is allowed.

The petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, under the N.D.P.S. Act Tamluk with a further condition that he shall meet the investigating officer once in a week until further orders.

The application being CRM 6456 of 2020 is allowed.

(Tirthankar Ghosh, J)

(Harish Tandon, J.)