

15.10.2020

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**C.R.M. 6510 of 2020
with
CRAN 1 of 2020**

(Via Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhaktinagar P.S Case No. 77 of 2020 dated 28.01.2020 under Section 21(c) of the Narcotics Drugs and Psychotropic Substances Act.

And

In the matter of: Sanjay Kumar

...Petitioner.

Mr. Anindya Ghosh ... For the Petitioner

Mr. Aditi Sankar Chakraborty
Mr. Sourav Ganguly ... For the State

The petitioner undertakes to appropriately affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The supplementary affidavit filed by the State and the supplementary affidavit filed by the petitioner are taken on record.

We have perused the order passed in relation to the application for bail of co-accused Sajha Saibu. The co-accused makes similar plea as that of the present petitioner. The coordinate bench, however, did not accept the contention of the co-accused. The relevant extract of the order of the coordinate bench is reproduced below:-

“Learned advocate for the petitioner submits that the petitioner is in custody for above 249 days and although the charge sheet was not filed within the statutory period

prescribed under Section 36 of the N.D.P.S Act, the learned Court below did not offer bail to the present petitioner.

The learned advocate for the petitioner further submits that although delayed charge sheet has been submitted but the petitioner is not entitled to bail.

Learned advocate for the State submits that charge sheet has already been submitted on 23rd September, 2020. So far it relates to the period of non-submission of charge sheet, learned advocate further submits that the statutory period expired on 23rd July, 2020 but the special Court was closed from 24th July, 2020 to 30th July, 2020 and as such prayer for extension on 31st July 2020 which is in consonance with the provisions of General Clauses Act.

We have appreciated the submission advanced on behalf of the parties and we are of the opinion that as charge sheet has already been submitted in the case, the petitioner is not entitled to benefit of default bail, further so far as the steps taken by the Investigating Officer of the case is concerned, the same is in consonance with the crisis arising out during the Pandemic situation.

Having regard to the fact that the contraband seized are of commercial quantity, we are not inclined to release the petitioner on bail.”

This applicant is on similar footing and a co-accused. Since similar contention raised by the learned advocate for the petitioner is already gone into and decided in the aforesaid matter we are accordingly not inclined to accept the said submission and reject the application for bail being CRM 6510 of 2020 along with connected application.

(Soumen Sen, J.)

(Aniruddha Roy, J.)