

C.R.M. 6583 of 2020
(IA NO: (CRAN NO.1 of 2020)
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Beldanga** P.S. Case No. **505 of 2019** dated **22/10/2019** under Sections **21(c)/29** of the NDPS Act.

And

In the matter of: - Tuhin Mondal & Ors.

....petitioners.

Mr. N. S. Ghosh

...for the petitioners.

Mr. S. S. Imam,

Mr. S. Roy

...for the State.

Petitioners undertake to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, CRAN 1 of 2020 is disposed of.

Petitioners are in custody for 336 days and pray for statutory bail. It is submitted although the application for extension of statutory period of detention pending investigation under proviso to Sections 36A(4) of NDPS Act had been filed within stipulated time, no order was passed before expiry of 180 days. Hence, petitioner is entitled to statutory bail.

We have considered the materials on record. It appears that the application was filed prior to the expiry of the statutory period i.e. on 20th April, 2020. Thereafter matter was adjourned and finally allowed on a latter day as the prosecution had taken necessary steps by filing appropriate application before the expiry of the statutory period of detention. Delay due to

adjournments by the court cannot be a ground to entitle the petitioner to statutory bail. It is trite law that act of court cannot prejudice anyone. Accordingly, we constrained to hold that the statutory period of detention was lawfully extended and petitioner is not entitled to get statutory bail. That apart, there are materials to show that the petitioner was in possession of narcotic substances above commercial quantity and in the light of the statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner on merit.

The application for bail is, thus, rejected.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)