

05-10-2020
k.b./b.r.
Item no.10
rejected

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M. No. 7182 of 2020
Saja Saibo @ Sajhe Saibo
-vs-
The State of West Bengal
(Via video conference)

In Re: An application for bail under Section 439 CrPC in connection with NDPS Case No. 04/2020 arising out Bhakti Nagar P.S. Case No. 77 of 2020 dated 28.01.2020 for alleged offence punishable under Section 21(c) of the NDPS Act 1985.

Ms. Jeenia Rudra
Ms. Madhushri Dutta Majumdar

...for the petitioner.

Mr. Kollol Acharjee
Mr. Tapan Bhattacharjee
Mr. Aniruddha Biswas

... for the State.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the court. The petition is taken up through video-conference on the basis of such undertaking.

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 NDPS 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.

Accordingly the bail of the petitioner is rejected.

[Tirthankar Ghosh, J.]

[Subrata Talukdar, J.]

