

CRM 3127 of 2021

In re : An application for bail under Section 439 of the Code of Criminal Procedure.

In the matter of : **Bikas Jaiswal**

..... petitioner

Mr. Ajit Kumar Krishna

....For the petitioner

Mr. Sanjay Bardhan

Mr. Palash Chandra Majhi

.....For the State

The petitioner is seeking release on bail in connection with Case No. N-11/2021 arising out of Dum Dum P.S. Case No. 163/2021 dated 07.02.2021 for the offence under Section 20(b) of the Narcotic Drugs & Psychotropic Substances Act, 1985 for illegal possession of 15 kg. of dry leaf and flowering and fruiting tops of Cannabis plant commonly known as Ganja.

It is submitted that charge-sheet has not been submitted within statutory period and the petitioner would be entitled to such bail in default of submission of charge-sheet as the petitioner is in custody for more than 121 days. Thus, the petitioner has sought for statutory bail.

Learned counsel for the State Mr. Sanjay Bardhan submits that the investigating officer has not indicated in the case under reference with regard to ingredients under Section 20(b)(ii)(B) to indicate the quantity of narcotic and further submits that the investigation has been completed and charge-sheet is also ready, but it has not yet been filed in Court.

We are of the view that the petitioner may be entitled to bail but we direct that the petitioner would directly approach the Special Judge under the NDPS Court for such request of release on bail in the event of default in submission of final report under the relevant provisions of the Act.

Thus, CRM 3127 of 2021 is disposed of.

(Saugata Bhattacharyya, J.)

(Shivakant Prasad, J.)