

16.03.2021.
Item No. 17
(Allowed)

ab

C.R.M. 10918 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raghunathganj P.S. Case No. 204 of 2020 dated 07.05.2020 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act;

And

In the matter of : **Faijul Sekh @ Fajar Sk @ Faizul Sekh @ Fajal**

... petitioner.

Mr. Sabir Ahmed,
Mr. Tapodip Gupta.

...For the petitioner.

Mr. Ranadeb Sengupta.

...For the State.

The present application for bail has been taken out by the petitioner alleging that the charge-sheet was filed beyond the statutory period provided therefor and, therefore, he is entitled to a statutory bail.

It is no doubt true that a case has been initiated against the petitioner under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act on 7th May 2020 giving rise to the registration of NDPS Case No. 94 of 2020 arising out of the Raghunathganj Police Station Case No. 204 of 2020.

The petitioner was detained on the same day and the statutory period of 180 days expired on 3rd November 2020. The investigating officer did not submit the charge-sheet within the statutory period, which propelled the application for bail at the behest of the petitioner before the learned Special Judge. Subsequently, a charge-sheet was filed on 5th

November 2020 but the application for bail filed by the petitioner before the learned Special Court was taken up on 18th November 2020 and the learned Special Judge dismissed the said application upon returning the finding that the charge-sheet was, in fact, submitted on 1st November 2020. According to the learned Special Judge, since the charge-sheet was submitted within the statutory period provided therefor, the petitioner is not entitled to the benefit of the statutory bail and negated the contention of the petitioner in this regard.

When this application for bail was taken up on the last occasion, an order was passed on 18th February 2021 directing the learned Advocate for the petitioner to submit the supplementary affidavit, which, in fact, was filed.

The learned Advocate for the State candidly submits that the charge-sheet was submitted on 5th November 2020 and not on 1st November 2020, as recorded by the learned Special Judge. It is submitted that the statutory period for submission of the charge-sheet expired on 3rd November 2020.

In view of the aforesaid facts, we do not find any impediment in extending the benefit of statutory bail to the petitioner, when admittedly the charge-sheet was submitted beyond the statutory period provided in the Act.

Accordingly, the petitioner, namely, **Faijul Sekh @ Fajar Sk @ Faizul Sekh @ Fajal**, shall be released on bail upon furnishing a Bond of Rs. 10,000/-, with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, Murshidabad, subject to the condition that the petitioner shall attend the case on each date of listing before the

learned Special Judge and the default on any solitary occasion without any justifiable cause the learned Special Judge is at liberty to cancel the bail of the petitioner without any further reference to this Court.

The application being CRM 10918 of 2020 is **allowed**.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)