

08.06.2021
AJ./S.B.,ct 28
Sl no. 05 (P.B.)

C.R.M. 411 of 2021

(Previously registered as C.R.M. 2374 of 2021 in Principal Bench. Then renumbered as C.R.M. 411 of 2021 in Jalpaiguri Server after being transferred in terms of Court's order dated 18.03.2021)

(Via Video Conference)

In Re : An application for bail under section 439 of the Code of Criminal Procedure filed on 03.03.2021 in connection with N.D.P.S. Case No. 50 of 2020 arising out of Bhaktinagar P.S. Case No. 776 dated 06.09.2020.

And

In Re : **Rajeev Ranjan Kumar.** petitioner.

Mr. Milon Mukherjee, Ld. Sr. Adv.,
Mr. Mohammed Amin. ... for the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas. ... for the State

This application for bail has been filed in respect of N.D.P.S. Case No. 50 of 2020 arising out of Bhaktinagar P.S. Case No. 776 dated 06.09.2020, pending before the learned Additional Sessions Judge, 2nd Court (N.D.P.S.) at Jalpaiguri.

The principal ground urged by Mr. Mukherjee, learned senior Counsel for the petitioner is that the Investigating Officer has recommended discharge of the petitioner. However, it is seen from the order and also argued that another co-accused Uttam Kumar Shaw against whom the Investigating Officer had recommended trial and filed charge sheet, has been granted bail by this Court.

This Court also notes that the Sessions Judge has summoned the ACP, D.D., Siliguri in this matter.

Having considered the case diary and having heard the learned Counsel for the parties this Court notes that by Order No. 15 dated 27th January, 2021 the Court below has rejected the application of the petitioner for bail on the ground that the final report of the Investigating Officer is pending consideration before the Special Court.

This Court is, therefore, of the view that granting bail to the petitioner at this stage would amount to preempting the decision of

the Special Court. This Court, therefore, is not inclined to entertain the prayer for pre-arrest bail.

However, it is ordered that the learned Court below should expeditiously dispose of the proceeding as to whether it should accept the final report submitted by the Investigating Officer or not preferably within a period of three months from the date of the communication of this order.

With the above observation, the application for bail being C.R.M. 411 of 2021 is disposed of.

It is made clear that the application for bail of the petitioner may be considered by the Special Court afresh, if applied for, after a final decision on the final report uninfluenced by any observation made hereinabove.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)