

08.03.2022
Sl. 47
Court No.29
sourav
(Rejected)

C.R.M. (NDPS) 262 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **02.03.2022** in connection with **Chakdah** P.S. Case No. **78** of **2019** dated **04.08.2019** under Sections **21C/22(C)** of the NDPS Act.

And

In the matter of: **Rakibullah Gazi @ Monpakhi**

....petitioner.

Mr. R. Abedin
Mr. K. Warsi
Mr. A. Dewan
Mr. A. Mondal

...for the petitioner.

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee

...for the State.

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that since the Chemical Examination Report was not filed within the statutory period of 180 days, the petitioner is entitled to statutory bail.

Learned advocate appearing for the State submits that the charge-sheet was submitted within 180 days albeit without to the Chemical Examination Report. The Chemical Examination Report was subsequently filed. The petitioner, thereafter, applied for default bail.

Considering the fact that the police filed charge-sheet within the statutory period and considering the fact that the supplementary charge-sheet containing the Chemical Examination Report was filed before the application for statutory bail being made, we are of the view that the plea for statutory bail is no longer available to the petitioner. Considering the fact that commercial quantity of narcotics was recovered from the joint possession of the petitioner, we are of the view that the

petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we are unable to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

C.R.M. (NDPS) 262 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

