

06.05.2022
Serial no. 88
Ct. No. 29
Aloke

CRM 3886 of 2021

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 23/NCB/KOL/2019 under Sections 8(c) read with Sections 20(c)/27A/28 and 29 of the NDPS Act.

-And-

In the matter of : Mohammed Chand

... .. Petitioner

Mr. Milon Mukherjee, Sr. Advocate

Mr. Rahul Ganguly, Advocate

... .. For the Petitioner

Mr. Kallol Mondal, Advocate

Mr. Rajesh Kr. Shah, Advocate

... ..For the NCB

Petitioner seeks default bail in a case involving seizure of commercial quantity of narcotics from the petitioner.

The petitioner is being proceeded against to the provisions of the NDPS Act, 1985. The petitioner was arrested on December 11, 2019. The petitioner claims that he was produced before the jurisdictional Magistrate on December 13, 2019.

Learned Senior Advocate appearing for the petitioner seeks default bail on the ground that the Narcotics Control Bureau did not submit the complaint within 180 days from the date of arrest.

Learned Advocate appearing for the NCB submits that pursuant to an application for extension of the time to submit the complaint, the same was granted. The time to submit the complaint was extended on May 27, 2020. The complaint was filed within the extended time.

The petitioner herein prayed for default bail on June 16, 2020. The time to submit the complaint was extended by the order dated May 27, 2020. The complaint was ultimately

filed on December 3, 2020 within the extended period of time and, therefore, the question of the petitioner being enlarged on default bail does not arise.

Consequently, we find no merit in the present application and on the contention made on behalf of the petitioner with regard to the default bail.

It is contended on behalf of the petitioner that the petitioner is in custody for 900 days and charges are yet to be framed.

In such circumstances, the jurisdictional Court is requested to frame the charges, if not already framed, as expeditiously as possible.

CRM 3886 of 2021 is rejected.

(Debangsu Basak, J.)

(Kausik Chanda, J.)