

29.07.2022.
09.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 854 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.02 of 2022 arising out of Titagarh P.S. Case No.38 of 2022 dated 15.01.2022 under Sections 21(c) of the N. D. P. S. Act.

In the matter of : Abhijit Deb @ Aryan @ Ariyan.
... Petitioner.

Mr. Kaustav Bagchi,
Mr. Debayan Ghosh,
Ms. Priti Kar.
...for the Petitioner.

Mr. Tapan Deb Nandy,
Mr. Antarikhya Basu.
...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner prays for statutory bail. He submits in the application for extension of period of detention in terms of proviso to Section 36(4A) of the NDPS Act there is no express pray for extending the period for detention of the petitioner pending investigation.

Learned Advocate for the State opposes the prayer for bail. He submits reasons for non-submission of the police report have been reflected in the application and it is stated therein that the police report would be filed after receipt of expert opinion from the State Drug Laboratory.

We have considered the materials on record. Petitioner has prayed for statutory bail on the 181st day. Prior to his

prayer, application was preferred by the Public Prosecutor stating the reasons why police report could not be filed. In the application it is also stated that report would be filed upon receipt of the expert opinion. This in our considered view discloses the reasons for extending the period of detention pending investigation as per proviso to Section 36(4A) of the NDPS Act. Hence, denial of statutory bail to the petitioner cannot be said to be illegal. Under such circumstances, we are not inclined to enlarge the petitioner on statutory bail.

On merits, we note there are ample materials connecting the petitioner with the alleged possession of commercial quantity i.e. 2.5 ltrs. of codeine mixture (phensedyl).

Hence, we are not inclined to enlarge the petitioner on bail on such score too.

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

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)