

03.08.2022
Sl. No.3
akd
[Rejected]

C. R. M. (NDPS) 874 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.07.2022 in connection with Sagardighi Police Station Case No. 248 of 2021 dated 26.06.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.120 of 2021)

And

In Re: ***Pakhi Bewa & Anr.***

... .. Petitioners

Mr. Arnab Chatterjee
Mr. Anisur Rahaman
Ms. Dhanasree Biswas

... .. for the petitioners

Mr. Saryati Datta

... .. for the State

Petitioners pray for statutory bail. It is submitted on behalf of the petitioners period for detention pending investigation was extended on an application wherein no ground for extension has been pleaded.

This is disputed by the learned advocate for the State. He submits adequate reasons were reflected in the application for extension which infact was not opposed by the learned advocate for the accuseds.

We have considered the materials on record. We have perused the application for extension of custody of accuseds pending investigation in terms of proviso to Section 36-A(4) of the NDPS Act. In the application it is averred as follows :-

“There is chance to collect more evidences in this case against the accused persons. After verifying the birth certificate of accused Entaj Saikh and collecting the expert opinion as well as completion of investigation the case will be charge sheeted with the proper section of law against the involved accused persons and for this I want more 3 months to complete the investigation.”

From the aforesaid averment it appears extension of period of detention was prayed as investigation was continuing with regard to

verification of birth certificate of co-accused viz. Entaj Shaikh and collection of expert report. Hence, we are unable to accept the prayer of the petitioners that the extension of period of detention during investigation was bereft of reasons and contrary to law. Under such circumstances, we are not inclined to grant statutory bail to the petitioners.

The application for bail is thus **rejected**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)