

66. 18.10.2022
Ct.29 Tanmoy/TN

Rejected

CRM (NDPS) 1252 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with NDPS Case No. N-21/2022 arising out of Rahara Police Station Case No. 60 of 2022 dated 07/03/2022 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: - **Saheb Das**

...petitioner.

Mr. Debasis Kar,
Mr. Arka Tilak Bhadra

...for the petitioner.

Mr. Arijit Ganguly,
Mr. Ashok Das

...for the State.

Petitioner prays for bail on the ground that Police did not file charge-sheet within the statutory period of 180 days.

Learned Advocate appearing for the petitioner submits that time to file the charge-sheet expired on September 7, 2022. The petitioner applied for statutory bail on September 8, 2022 and, therefore, the petitioner is entitled to statutory bail. He relies upon the judgment and order dated March 11, 2022, passed in CRM 8389 of 2021 (*Naimuddin Laskar @ Naim – Versus – The State of West Bengal*) in support of his contention.

Learned Advocate appearing for the State draws the attention of the Court to the order-sheet of the jurisdictional Court. He submits that on August 29, 2022, a petition for extension of time to submit the charge-sheet was filed and was allowed.

The petitioner was aware of the order dated September 8, 2022 allowing the application of the Prosecution seeking extension of time to file the charge-sheet. On September 8, 2022, when the application for statutory bail was filed, the time to file charge-sheet was already extended on August 29, 2022. Therefore, the question of the petitioner being entitled to statutory bail on August 9, 2022 does not arise.

The facts and circumstances appearing in the present case are completely different to the fact scenario obtained in *Naimuddin Laskar @ Naim* (supra). There the application for default bail was filed prior to the order extending the time to file the charge-sheet. Hence the time to file the charge-sheet was extended much prior to the filing of this application for default bail.

In such circumstances, we are unable to grant bail to the petitioner.

Accordingly, the application for bail being CRM (NDPS) 1252 of 2022 is rejected.

(Debangsu Basak, J.)

(Ajay Kumar Gupta, J.)