

06.12.2022.
11.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 1441 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Belghoria P.S. Case No.155 of 2022 dated 10.03.2022 under Sections 20(b)/29 of the NDPS Act.

In the matter of : Uday Kumar & Sujay Sarkar.
... Petitioners.

Mr. Manjit Singh,
Mr. Gaganjyot Singh,
Mr. Biswajit Mal,
Mr. Abhishek Bagal.
...for the Petitioners.

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan.
...for the State.

Petitioner prays for bail. He submits charge sheet did not enclose the chemical examiner's report. Hence, the charge sheet is an incomplete one and he is entitled to statutory bail.

Learned Advocate for the State opposes the prayer for bail. He submits prior to submission of charge sheet, a report was filed by the Public Prosecutor seeking extension of remand of the accused in terms of proviso to Section 36A(4) of the NDPS Act. Soon thereafter, chemical examiner's report was filed.

We have considered the materials on record. In ***M. Ravindran Vs. Intelligence Officer, Directorate of Revenue Intelligence***¹ the Hon'ble Apex Court held once a report seeking extension of further remand under proviso to Section

¹ (2021)2 SCC 485

36A(4) of NDPS Act is filed, the right of the accused to statutory bail does not crystallize unless such application is dismissed.

In the present case, report seeking extension of further remand was filed prior to the prayer for statutory bail being made. Soon thereafter the supplementary charge sheet enclosing chemical examiner's report has been filed.

Under such circumstances, we are of the opinion petitioner is not entitled to statutory bail.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)