

01.03.2022

COURT : 01
ITEM : 14
MATTER : 439
STATUS : REJECTED
TRANSCRIBER : nandy

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

CRM (NDPS) 31 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on February 1, 2022 in connection with Matigara Police Station Case No. 597 of 2021 dated 01.07.2021 under Sections 20(C) of the Narcotic Drugs and Psychotropic Substances Act. (NDPS Case No. 73 of 2021)

And

In the matter of: **Pankaj Barman & Anr.**

...Petitioners

Mr. Hillol Saha Poddar, Advocate

Mr. Sayantan Bhowmik, Advocate

Ms. Mousumi Das, Advocate

...for the Petitioners

Mr. Nilay Chakraborty, Advocate

Mr. Tapan Bhattacharjee, Advocate

...for the State

The petitioners are seeking bail in connection with Matigara Police Station Case No. 597 of 2021 dated 01.07.2021 under Sections 20(C) of the Narcotic Drugs and Psychotropic Substances Act.

Contraband above the commercial quantity has been allegedly recovered from the exclusive possession of the petitioners. Although more than 180 days has expired from the date of arrest yet chargesheet has not been submitted.

We are given to understand that on the prayer of the prosecution the time for completion of the investigation has been extended by the Special Court. Though the learned Advocate of the petitioner submits that no copy of an application for extension was served upon him but the order regarding the extension does not reveal such fact.

Be that as it may, the investigation cannot continue eternally. It is expected that the Investigating Officer shall complete the investigation and file the chargesheet in near future.

Since commercial quantity of contraband was allegedly recovered from the exclusive possession of the petitioners, the bar created under Section 37 of the NDPS Act is attracted. We do not find any ground justifying for taking exception to the same.

Accordingly, the prayer for bail is **rejected**.

The application being **CRM (NDPS) 31 of 2022** is **dismissed** at this stage.

(Harish Tandon, J)

(Rabindranath Samanta, J)