

16.06.2022

03

Ct. No. 01

**KAUSHIK
REJECTED**

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION

C.R.M. (NDPS) 178 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kotwali** Police Station Case No. **632** of **2021** dated 29.11.2021 under Section 20(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : Ranjit Das

..... petitioner

Mr. Jaydeep Kanta Bhowmik

....for the petitioner

Mr. Niloy Chakraborty

Mr. Biswarup Roy

....for the State

Petitioner prays for bail on statutory ground.

Learned advocate appearing for the petitioner submits that, the petitioner was arrested on November 29, 2021. The police did not file charge-sheet within the statutory period but filed a petition for extension of time. The petitioner also applied for bail, which is yet to be disposed of. Neither the petition for extension of time was disposed of nor the application for bail was disposed of.

Learned advocate appearing for the State submits that, commercial quantity of narcotic was seized from the possession of the petitioner. He submits that, the application of extension of time was filed within time. Such application is yet to be disposed of. Therefore, no right to statutory bail accrued in favour of the petitioner.

In the facts of the present case, prima facie, it appears that commercial quantity of narcotic was seized. The petitioner was arrested on November 29, 2021. Application for extension of time to submit charge-sheet was filed on May 20, 2022, which is within the statutory period of 180 days. Such petition is yet to be disposed of. The petitioner applied for bail on June 10, 2022. Such application for bail is also yet to be disposed of.

From the narration of the facts noted above, it appears that, the application for extension of time to file the charge-sheet was presented before the learned Court prior to the application for bail. The application for extension of time to the charge-sheet is, therefore, required to be disposed of first. In the event the learned Court is pleased to allow the extension of time to file the charge-sheet, then the question of granting statutory bail to the petitioner does not arise.

In such circumstances, it would be appropriate to request the Court in sesin of the application for extension of time filed on May 20, 2022 to consider and decide the same and, thereafter consider and decide the application for bail filed by the petitioner on June 10, 2022.

With the aforesaid observations, prayer for bail of the petitioner is rejected and the application being CRM (NDPS) 178 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

