

**In the Calcutta High Court
Circuit Bench at Jalpaiguri
(Criminal Miscellaneous Jurisdiction)
(Through Video Conference)**

26.08.2022
cm/ct 28

C.R.M. (NDPS) No. 255 of 2022

sl. no. 2

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Pradhan Nagar P.S Case No. 1039 of 2021** dated **28.12.2021** under Sections **21 (c)/22(c)** of the N.D.P.S. Act.

Rejected

And

In Re : Raj Kumar Tamang

..... petitioner

Mr. Niladri Shekhar Ghosh
Mr. M. N. Chowdhury
Ms. Srimoyee Chakraborty
Ms. Sompurna Chatterjee
Mr. Sourav Mondal

..... for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.
Mr. Tapan Bhattacharjee

..... for the State

Heard the learned advocates appearing for the parties.

Petitioner prays for statutory bail. He submits that the application for extension is not in form.

Learned lawyer for the State opposes the prayer for bail. Prayer for extension of period of detention had been made prior to the application for statutory bail. Learned lawyer for the State submits charge-sheet was filed within the statutory period.

In reply, learned counsel submits that the charge-sheet has filed without chemical examiner's report.

We have considered the materials on record. Application for extension period of detention was filed before the special court prior to the application for statutory bail. Inadvertently the contraband

was described as Ganja. Time to file charge-sheet was extended and the charge-sheet came to be filed within the said period.

Hence, we are not inclined to grant bail to the petitioner.

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

Chemical Examiner's report be filed before the trial court at the earliest.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)