

15.12.2022

2
sdas
rejected

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI

C.R.M. (NDPS) No. 431 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. 245 of 2022 dated 24.04.2022 under Sections 20(b)(ii)(c)/29 of the POCSO Act.

And

In Re : Mokleshar Rahaman petitioner

Ms. Jeenia Rudra

.... for the petitioner

Mr. Aditi Sankar Chakraborty, learned APP

Mr. Kallol Acherjee

Mr. Aniruddha Biswas

..... for the State

Learned Counsel appearing for the petitioner submits police report was not filed within 180 days. Accordingly, he prays for statutory bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Application for extension of period of detention in terms of proviso to Section 36A(4) of the NDPS Act was filed in September, 2022. Prayer was allowed in November, 2022. No

prayer for statutory bail was filed prior to the application for extension of period of detention.

Under such circumstances and in view of ratio in **M. Ravindran vs. Intelligence Officer, Directorate of Revenue Intelligence**¹ petitioner is not entitled to statutory bail. On merits there are ample materials showing recovery of narcotic substance above commercial quantity from the petitioner.

Under such circumstances, we are not inclined to grant bail to him.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

¹ (2021) 2 SCC 485