

31.01.2023.
08.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 129 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 99 of 2021 arising out of Airport P.S. Case No.428 of 2021 dated 09.11.2021 under Section 21(c)/29 of the NDPS Act.

In the matter of : Md. Sahid Parvez @ Baccha Sahid.
... Petitioner.

Mr. Sabyasachi Mukherjee,
Mr. Bibek Dey,
Mr. Mukesh Kharna.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

Petitioner is in custody for more than 400 days. It is submitted supplementary charge sheet has not been filed within 180 days as required under Section 36A (4) of the NDPS Act.

Learned Advocate for the State opposes the bail prayer. He submits supplementary charge sheet containing chemical examiner's report has already been filed.

We have considered the materials on record. Statements of witnesses and contemporaneous document show recovery of narcotics above commercial quantity from the petitioner. Initially charge sheet was filed within 180 days of detention. Supplementary charge sheet has already been filed. Thereafter petitioner has sought for statutory bail which cannot be

countenanced in view of the ratio in ***M. Ravindran Vs. Intelligence Officer, Directorate of Revenue Intelligence***¹.

Under such circumstances and in view of the materials on record, we are not inclined to grant bail to the petitioner.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

¹ (2021) 2 SCC 485