

27.02.2023

Sl. No.5
akd
[Rejected]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (NDPS) 99 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.01.2023 in connection with New Jalpaiguri Police Station Case No. 1312 of 2021 dated 11.12.2021 under Sections 21(c)/22(c) of the NDPS Act.

And

In Re: **Jagdish Singh**

... .. Petitioner

Ms. Ashima Mandla

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor
Mr. Sourav Ganguly

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than one year. It is further submitted police report was filed without chemical examiner's report.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotics i.e. *codeine phosphate* above commercial quantity from the possession of the petitioner. The application for extension was filed and the period of detention was made in terms of Section 36A(4) of the NDPS Act. Initial charge sheet was filed within the extended period. Thereafter, subsequent charge sheet enclosing chemical examiner's report was filed.

Learned Advocate for the petitioner relied on interim directions passed by the Hon'ble Apex Court. In the orders referred to by the learned Advocate, no proposition of law entitling the petitioner to statutory bail is made out.

Be that as it may supplementary charge sheet enclosing chemical examiner's report has already been filed and the matter is ready to proceed to the next stage. Under such circumstances, we do not consider it prudent to enlarge the petitioner on bail.

The application for bail is thus **rejected**.

Trial court is directed to consider the issue of framing of charge at the earliest and in the event charge is framed, to take the proceeding to its logical conclusion.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)