

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

01.03.2023.
5/tkm

C.R.M. 257 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali P.S case no.889 of 2019 dated 8.12.2019 under sections 20(b)/25/29 NDPS Act

and

In the matter of : Sushanta Roy Petitioner

Mr. J K Bhowmik
Mr. S Bhowmik
Ms. R Sarkar

...for the Petitioner

Mr. A S Chakraborty
Mr. Sourav Ganguly

...for the State.

Petitioner submits he was arrested on 8th December 2019. Application for extension of period of detention was preferred on 28.4.2020. But the said prayer was allowed after the expiry of the statutory period i.e. 180 days. Accordingly, he prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. In view of the ratio in *Subhas Yadav vs. State of West Bengal*¹ once an application for extension is filed, the right to statutory bail does not crystallize till the said application is disposed of.

Under such circumstances we are of the view petitioner is not entitled to statutory bail.

¹ 2023 SCC OnLine 313

We are informed that supplementary charge sheet has been filed and the matter is ready for trial.

Under such circumstances, we request the trial court to conclude the trial as expeditiously as possible preferably within one year from the next date fixed for recording evidence without delay.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)