

22.08.2023
Court No.1
Item No.17
(sg/KS)

CRM (NDPS) 586 of 2023

And

Mr. Aniruddha Biswas
Ms. Rima Sarkar

For the Petitioners.

Mr. Ujjwal Luksom
Ms. Namrata Das

For the State.

1. It is submitted on behalf of the accused petitioners that the charge-sheet has not been submitted in this case within the statutory period and, as such, he is entitled to get the statutory bail under the provisions of law. It is further submitted that an application has been filed on behalf of the accused petitioners before the learned Trial court but it has not been considered by the Court and it was kept pending and subsequently it has been rejected by the learned Trial Court.
2. Accordingly, the instant application has been filed by the accused petitioners praying for bail under Section 439 of the Code of Criminal Procedure.
3. Learned counsel appearing for the State leaves the matter upon the Court.

4. We are of the view that once the period for completing investigation was extended and the petitioner application, if any for statutory bail remained undecided the right, if any of the petitioner for grant of statutory bail was rendered null and void. Instead of hearing of application the Ld. Trial Court adjourned the same till the next date when an application for extension of the period of custody and extended the time of investigation. It defeats the statutory right which had accrued to the petitioner and if such procedure is accepted by the Trial Court then we are unable to appreciate it and if charge sheet has not filed within the statutory period as enshrined in the act then the petitioner has accrued the right for grant for statutory bail and the custody of the petitioner will be held illegal by the Trial Court.
5. Accordingly, Ld. Trial Court is hereby directed to re-consider the application for getting statutory bail filed earlier by the petitioner if the charge sheet has not been filed within the statutory period as per relevant provision of the Act.
6. After considering the entire materials placed before us we find that there are sufficient incriminating materials which indicate about prima facie involvement of the petitioner with the alleged offence.
7. In view of the above circumstances, the application praying for bail is hereby rejected.
8. CRM (NDPS) 586 of 2023 is rejected in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)

