

22.04.2024
SL No.38
Court No.1
(gc)
(rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (NDPS) 132 of 2024

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Matigara PS Case No.143/2023 dated 05.03.2023 Under Section 20(b)(ii)(c)/29 of the NDPS Act, 1985 Vide C.R. NDPS Case No.19/2023.

And

In the matter of : **Jahangir Ali**

- Petitioner.

Ms. Chanda Jha

....For the Petitioner.

Mr. Nilay Chakraborty, Ld. A.P.P.,

Ms. Sukanya Adhikary

...For the State.

1. Heard.
2. It is submitted on behalf of the petitioner that considering the prolonged detention of the present accused petitioner, the instant application for bail is considered favourably.
3. While opposing the prayer for bail, the learned Counsel for the State submits before this Court that the charge-sheet has been submitted in this case on August 31, 2023.
4. From the status report it appears that thereafter on several dates, the present accused petitioner has been produced before the trial Court but for some reason or other charge has not been considered as against the present petitioner. From the materials produced before

this Court, we find that 23.984kg of Ganja was recovered from the conscious possession of the present accused petitioner.

5. In further considered view of us, the petitioner before us is not successful to rebut the statutory restrictions under Section 37 of the NDPS Act and, therefore, we not inclined to bail under Section 439 Cr.P.C.
6. However, considering the fact that the charge-sheet has already been submitted on August 31, 2023, we direct the trial Court to consider the charge as against the present accused petitioner positively within last day of June, 2024 and thereafter proceed with the said case in accordance with law.
7. The department is directed to communicate this order to the trial Court for its compliance.
8. It is once again made clear that the time limit framed by us is to be mandatorily followed by the trial Court.
9. The application for bail is accordingly rejected.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)