

JPD-05
Ct No.01
25.07.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (NDPS) 278 of 2024

In Re: - An application for bail under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure, 1973) in connection with Bhaktinagar Police Station Case No. 1052 of 2023 dated 27.11.2023 under Sections 21(c)/22(c)/25/29 of the NDPS Act, 1985.

And

In the matter of: **Sanjay Singha and another**

.... petitioners

Mr. Hillol Saha Podder
Ms. Mousumi Das

... for the petitioners

Mr. Saikat Chatterjee
Mr. Chattu Roy

... for the State

1. The petitioners contend that the petitioners are in custody for 399 days.
2. It is also argued that Section 42 of the NDPS Act was not complied with.
3. The charge sheet was filed only on February 29, 2024 although the arrest was effected on November 27, 2023. It is argued that as per the settled position of law, long period of custody itself mitigates the rigours of Section 37 of the NDPS Act.
4. Learned counsel for the State opposes the prayer for bail and controverts all the allegations, including the infraction of Section 42.

5. It is submitted that the charges will be framed soon and that the charge sheet has been filed only last February.
6. We find from the materials on record that there is no gross presumption of infraction of Section 42 in the present case.
7. Learned counsel for the State assures that the State will make all endeavour to ensure that the trial is concluded within six months. Accepting such submission, we are not inclined to grant bail at this stage to the petitioners.
8. However, it is made clear that the parties shall make all endeavour to ensure that the trial is concluded within six months from date.
9. Accordingly, CRM (NDPS) 278 of 2024 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)