

AD-15
Ct No.01
Jalpaiguri
24.07.2024
B.Pal

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 289 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 15.07.2024 in connection with NJP Police Station Case No. 169 of 2023 dated 27.02.2023 under Section 20(b)(ii)(C)/23(C) of the NDPS Act, 1985.

And

In the matter of: RANJEET KUMAR @ RAY

...Petitioner

Mr. Jagriti Mishra,
Ms. Ananya Bhattacharya,
Mr. Naser Ali,
Ms. Mrinmayee Das,
Mr. Manish Gupta,
Ms. Silpi Basu

... for the petitioner

Mr. Nilay Chakraborty,
Mr. Sourav Ganguly

... for the State

1. Learned counsel for the petitioner contends that the petitioner is in custody for 511 days. Furthermore, learned counsel places reliance on Order No.17 dated August 28, 2023 passed by the 1st Court (Special Court, NDPS Act) at Jalpaiguri where it was recorded that the charge sheet had been submitted by the Investigating Officer already on August

26, 2023 (which was wrongly recorded and should have been August 27, 2023) before the Court of Chief Judicial Magistrate, Jalpaiguri as the Special Court remained closed on holiday on August 26, 2023.

2. Learned counsel places reliance in such context on a judgment of a learned Single Judge of the Punjab and Haryana High Court in the matter of *Rajinder Kumar vs. State of Haryana* where it was observed that in a case where a report was filed before a wrong Court and not the appropriate Court having jurisdiction, the same would be a violation of the personal liberty of the petitioner and the petitioner would still be entitled to default bail.
3. However, we find that in the instant case the petitioner's similar bail prayers were rejected twice previously, lastly on March 14, 2024. That apart, the order placed before this Court by the petitioner does not exactly indicate that the charge-sheet was filed before a "wrong" Court. The Investigating Officer had no other option since the appropriate Special Court was closed on the date when the charge-sheet was filed and, as such, filed it before a different Court that is, before the Chief Judicial Magistrate, Jalpaiguri. We do not find that such filing in a different Court in the circumstances aforesaid itself vitiates the same so as to bring the petitioner within the fold of the ratio laid down by the Punjab and Haryana High Court in the cited judgment.

4. In such circumstances, we are not inclined to grant bail to the petitioner and accordingly, CRM (NDPS) 289 of 2024 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)