

19. 21.01.2025
Court
No.29 (Tanmoy)

Rejected

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1805 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Barasat P.S. Case No. 259/2024, dated 01.5.2024.

And

In the matter of: - **Biplab Biswas @ Pagol & Anr.**

...petitioners.

Mr. Angshuman Chakraborty

Mr. S.S. Saha

...for the petitioners.

Mr. Rana Mukherjee, APP

Ms. Kanchan Roy

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioners say that they were wrongly denied statutory bail by the learned Trial Court. Charge-sheet along with chemical report was not filed within 180 days. Hence they should have been granted statutory bail. They pray for bail.
2. Status report filed by the State be kept with the records. Learned State Counsel tells us that February 4, 2025, is the date fixed for recording of evidence.
3. We find from the report that Charge-sheet along with chemical report was submitted within the extended period granted by the learned Trial Court. The order extending the period for investigation was not challenged by the petitioners before any competent forum.

4. Hence, we find no irregularity in the learned Trial Court denying statutory bail to the petitioners.
5. 27.865 Kgs. of *ganja* was allegedly recovered from the joint possession of the petitioners.
6. In view of the aforesaid and in view of commercial quantity of contraband items being involved and keeping in mind the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, we are not inclined to entertain the petitioner's prayer for bail, at this stage. The prayer for bail is rejected.
7. The application being CRM (NDPS) 1805 of 2024 is accordingly dismissed.
8. However, considering that the petitioners are in judicial custody for more than eight months, we request the learned Trial Court to expedite the trial to the extent possible and conclude the same on an early date.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)