

CRR 4936 of 2024

Anod Yadav
Vs.
The State of West Bengal

Adv. Saryati Datta,
Adv. Sanjib Kumar Dan,
... for the Petitioner.
Adv. Antarikhya Basu,
Adv. Madhumita Basak,
...for the State.

The petitioner has assailed the order dated 7th November, 2024 passed by the learned Judge, Special Court, NDPS Act, 1st Court, Suri, Birbhum in C. case no. 4 of 2024 denying statutory bail to him.

Heard learned counsels for the parties.

It appears that the petitioner was arrested on 9th May, 2024 pursuant to an FIR lodged under Sections 21(C)/25/29 of the NDPS Act. On 4th November, 2024, the Investigating officer sought extension of time for submission of charge sheet since chemical examination report could not be collected till then. On 7th November, 2024, i.e. after expiry of the statutory period of time, learned Public Prosecutor filed an application under Section 36A(4) of the NDPS Act seeking extension of the period of detention of the petitioner. No prayer for extension of the period of detention was made before the learned trial Court by the learned Public Prosecutor within the statutory period.

In view of the provision laid down under Section 36A(4) of the Act, the prayer made by the Investigating officer filed on 4th

November, 2024 cannot be treated as an application under Section 36A (4) of the Act.

Therefore the petitioner is entitled to statutory bail upon completion of the period of 180 days in absence of any application made by the learned Public Prosecutor for extension of the period of his detention. Report in final form submitted subsequently cannot deny the statutory right of the petitioner which has been availed of earlier.

Accordingly, the revisional application is allowed.

The petitioner, namely, Anod Yadav be released on bail upon furnishing a bond of Rs.1 lakh (Rupees one lakh only) with adequate sureties of like amount, half of whom should be local, to the satisfaction of the learned Judge, Special Court, NDPS Act, 1st Court, Suri, Birbhum subject to condition that he shall appear before the learned trial Court on every date of hearing fixed before him. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court without any justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be given to the parties, upon compliance with all requisite formalities.

(Suvra Ghosh, J.)