

D/L9
17.12.2025
Bpg.

C.R.M. (NDPS) 1590 of 2025

In Re: An application for Bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Beldanga Police Station Case No.280 of 2025 dated 04.05.2025 under Sections 20(b)(ii)C/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985;

Nuhunabi Sk & Anr.
Versus
The State of West Bengal

Mr. Arnab Chatterjee
Mr. Anisur Rahaman.
...for the petitioners.
Mr. Suman De
Mr. S.S. Saha.
...for the State.

Learned advocate appearing for the petitioners submits that no cognizance was taken on the belated charge-sheet filed by the investigating agency. According to the petitioners, charge-sheet was submitted on 3rd November, 2025 and the petitioner was entitled to be released on bail as the statutory period of 180 days completed on 31st October, 2025.

On the other hand, learned advocate for the State submits that charge-sheet was submitted on 2nd November, 2025 before the learned CJM, Murshidabad and subsequently the same was transmitted on 3rd November, 2025 to the learned special court under the NDPS Act and the prayer for release on statutory bail was advanced after the charge-sheet reached the learned special court.

Learned advocate for the petitioners emphasizes that the cognizance was not taken even on 3rd November, 2025, as such, the

petitioner is entitled to be released on bail.

Learned advocate for the State refers to the judgment of the Hon'ble Supreme Court in **Serious Fraud Investigation Office vs. Rahul Modi & Ors. (Criminal Appeal No.185-186 of 2022)** wherein the Hon'ble Supreme Court was pleased to hold in paragraphs 10 as follows:

“10. It is clear from the judgment of this Court in Bhikamchand Jain (supra) that filing of a charge-sheet is sufficient compliance with the provisions of Section 167 CrPC and that an accused cannot demand release on default bail under Section 167(2) on the ground that cognizance has not been taken before the expiry of 60 days.”

Having considered the findings of the Hon'ble Supreme Court that filing of the charge-sheet is sufficient compliance of Section 167 of Cr.P.C, I am of the opinion that the similar principles would apply in Section 36A(4) of the NDPS Act.

Consequently, the prayer for bail in CRM(NDPS) 1590 of 2025 is rejected.

Report submitted by the State be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)

