

37. 24.02.2025.
Court
No.26 (Pritam)
(Rejected)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 1867 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, arising out of **STF** Police Station Case No.**02/2024** dated **12.01.2024** under Sections **21(c)/29** of the Narcotic Drugs & Psychotropic Substances Act, 1985.

And

In the matter of: - **Md. Rizwan.**

...petitioner.

Mr. Md. Mohiuddin

...for the petitioner.

Mr. Avishek Sinha,
Ms. Kanchan Roy

...for the State.

1. Petitioner prays for bail.
2. Learned advocate appearing for the petitioner submits that, although, charge-sheet was filed within 180 days along with the Forensic Science Laboratory report, none the less, a prayer for further investigation under Section 36(A)(4) of the NDPS Act, 1985 was made. He submits that, since the police wanted to undertake further investigation, therefore, the investigation was not complete and the charge-sheet cannot be taken into cognizance. Therefore, according to him, there was no charge-sheet within the specified period of 180 days.
3. Learned advocate appearing for the State submits that, commercial quantity of narcotics was recovered from the joint

possession of the petitioner. Police filed charge-sheet along with the FSL report. Prayer for further investigation was made incorrectly. He points out that the next date fixed before the jurisdictional court is for framing of charges.

4. Commercial quantity of narcotics was recovered from the joint possession of the petitioner. Police filed charge-sheet along with the FSL report within the statutory period. Question for grant of default bail does not arise.
5. Jurisdictional court is in the process of framing of charges.
6. In such circumstances, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.
7. Consequently, we are not inclined to grant bail to the petitioner.
8. The prayer for bail is, thus, **rejected**.
9. CRM (NDPS) 1867 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)