

D/L19
11.02.2026

Bpg.
Allowed

C.R.M. (M) 173 of 2026

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Diamond Harbour Police Station Case No.591 of 2022 dated 01.12.2022 under Sections 420/406/34 of the Indian Penal Code adding Section 467/468/471 of the Indian Penal Code, 1860;

Tapas Podder
Versus
The State of West Bengal

Mr. Avik Ghatak
Md. Masudur Rahaman Paik
Ms. Ahamina Nasrin
...for the petitioner.
Mr. Rudradipta Nandy
Ms. Rituparna Ghose
Ms. Madhumita Basak.
...for the State.

Learned advocate appearing for the State submits that within the statutory period application has been filed for extension of time.

It has been submitted by the learned advocate for the petitioner that the petitioner is in custody for 98 days.

The prayer for extension of time is applicable in cases under Section 167(5) of the Code of Criminal Procedure where the issue comes relating to discharge. So far as the right to statutory bail under Section 167(2) Cr.P.C. is concerned, extension of time for submission of charge-sheet has no relevance which creates the difference between the General Law and the Special Act as NDPS Act.

Having considered that the Court has no option except

granting default bail to the petitioner, I direct that the petitioner, namely, Tapas Podder be released on bail on such terms and conditions as he deems fit and proper to the satisfaction of the learned ACJM, Diamond Harbour. If the on bail the petitioner shall not leave the jurisdiction of Diamond Harbour Police Station till further orders of this Court. Petitioner would meet with the investigating officer once in a week or as and when called for by the investigating officer of the case.

Accordingly, CRM(M) 173 of 2026 is allowed.

The investigating officer of the case is present in Court. His further appearance before this Court is dispensed with.

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.)