

CIS No. NDPS 144/2021

In the Court of the Judge (Special Court) under NDPS Act, Siliguri

CR (NDPS) Case No. 144 of 2021

Order no. 05

Dated 02/12/2021

The accused person is not produced before this Court room to avoid overcrowding.

One bail petition is filed and moved on behalf of accused.

The Ld. Advocate submits that the accused person has been falsely implicated in this case and prays for bail. He further submits that in spite of being in J.C for about 61 days, no charge-sheet has been submitted in this case and prays for statutory bail u/S. 36A(3) of the NDPS Act. Less than commercial quantity of contraband has been allegedly seized in this case, and the accused person is in custody since 01.10.2021.

Ld. Special PP-in-charge raises objection, agreeing that the charge-sheet has not yet been submitted in spite of judicial custody of the accused person beyond 61 days. It is also submitted by the Ld. Special In Charge that there is no prayer for extension of time for investigation in this case from the I.O.

Heard both sides.

Perused the bail petition and the case record.

Though commercial quantity of contraband has been prima facie seized from the accused person, but the I.O. at the same time has failed to submit the charge-sheet within the statutory period of 60 days u/S. 36A(3) of the NDPS Act. Accordingly the accused person is entitled for statutory bail. It appears from the report of the Sherestader of the office of this Court that though charge-sheet in this case has not yet been submitted.

Accordingly, accused petitioner Gita Roy be released on furnishing cash security of Rs. 4,000/- (Rupees Four Thousand), with a condition to appear before this Court on each and every date of proceeding of this case.

Send a copy of this order to the Ld. ACJM, Siliguri for information.

To 18.02.2022 for appearance, if on bail and IO's report.

D/c by me

Sd/-

Judge, Special Court  
NDPS Act, Siliguri

Sd/-

Judge, Special Court  
NDPS Act, Siliguri  
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