

5.
01-10-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1395 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Jhalda Police Station Case No.49 of 2023 dated 19-03-2023 under Section 27 Drugs and Cosmetic Act and Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Mahesh Kuiry

.... Petitioner.

Mr. Sukhendu Bikash Mukherjee

... For the Petitioner.

Mr. Iqbal Kabir,
Ms. Payel Ghosh

... For the State.

Dictated by Arijit Banerjee, J.

Read order dated September 26, 2024.

Learned advocate for the petitioner files a calculation sheet which clearly shows that the charge sheet was filed on the one eighty second day (182-day) after his arrest. No prayer has been made for extension of the period of investigation. Charge sheet was filed after the statutory period of 180 days expired.

In the above scenario, an indefeasible right to statutory bail accrued in favour of the petitioner. The learned trial Court ought to have granted him default bail.

Accordingly, we direct that the petitioner, namely, **Mahesh Kuiry**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court under NDPS Act, Additional District Judge, 3rd Court Purulia. The petitioner

shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said Police Station once in a week, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 1395 of 2024 is, thus, **allowed**.

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

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)