

CRM (NDPS) 1584 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Kaliachak Police Station** Case No. **285 of 2024** dated **16.03.2024** under Sections **21(c)/25/27A/29** of the NDPS Act.

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In the matter of : Rejaul Sk

.... Petitioner.

Mr. Wasim Akram,
Mr. S. Parveen,

... For the Petitioner.

Mr. Subhamay Bhattacharyya,
Ms. Baishakhi Chatterjee,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner was arrested on March 16, 2024. He says that charge sheet was submitted on September 12, 2024, without the FSL report. That was the 181st day after his arrest. On the same date he applied for statutory bail since the FSL report did not accompany the charge sheet. The learned Trial Court rejected such application. Hence, the present application.

2. Learned State Advocate while opposing the prayer for bail, says that the FSL report was made available to the Investigating Officer only on September 29, 2024. It was filed along with a supplementary charge sheet on October 10, 2024.

3. Therefore, we see that the petitioner had exercised his right to statutory bail prior to the FSL report being brought on record by way of supplementary charge sheet. The learned Trial Court should have granted statutory bail to the petitioner going by the decision of this Bench in the case of Idul Mia in CRM (NDPS) 1359 of 2024, wherein reference was made to the case of **Rakesh**

Sha-vs.-State of West Bengal, reported at 2023 SCC Online Cal 2463.

4. In view of the aforesaid, we have no option but to grant statutory bail to the petitioner.

5. Accordingly, we direct that the petitioner, namely, **Rejaul Sk**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under the NDPS Act, Malda subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not leave the jurisdiction of Kaliachak Police Station and shall meet the officer-in-charge of the Kaliachak police station once every fortnight until further orders.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

7. The application for bail is, accordingly, allowed.

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)