

CRM (NDPS) 1736 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 **Gaighata Police Station** Case No. **261 of 2024** dated **18.03.2024** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Sajid Hossain

.... Petitioner.

Mr. Joy Chakraborty,
Mr. Sandip Dinda,

... For the Petitioner.

Ms. Anasuya Sinha,
Mr. Sujoy Sarkar,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Report filed by the State be kept with the records.
2. Learned Advocate for the State tells us that the FSL report was filed along with the supplementary charge sheet on December 11, 2024.
3. We have noted in our earlier order dated December 5, 2024 that the charge sheet was filed without the FSL report on September 7, 2024. 180 days from the date of the petitioner's arrest expired on September 18, 2024. The petitioner filed the present application for default bail on November 6, 2024.
4. In view of the aforesaid, on the principle enunciated by 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**, the petitioner's prayer for default bail must be allowed.
5. Accordingly, we direct that the petitioner, namely, **Sajid Hossain**, 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 Additional Sessions Judge, 6th Court, Barasat, North 24 Parganas 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 the concerned Police Station and shall meet the officer-in-charge of the concerned 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.)