

CRM (NDPS) 1739 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 **Sankrail Police Station** Case No. **134 of 2024** dated **17.02.2024** under Sections **20(b)(ii)(C)/29** of the NDPS Act.

- A n d -

In the matter of : Binod Kumar Shaw @ Vinod @ Raki

.... Petitioner.

Md. Wasim Akram,
Mr. S. Kr. Mondal,

... For the Petitioner.

Mr. Saibal Bapuli,
Mr. Subham Bhakat,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Report filed by the State be kept with the records.
2. We are told that the FSL report is still not available but is likely to be available within the next two days.
3. We have recorded in our order dated December 5, 2024 that the petitioner was arrested on February 17, 2024. Charge sheet, without the FSL report was filed on August 14, 2024, i.e., on the 180th day after the arrest of the petitioner. On the 182nd day, i.e., on August 16, 2024, the petitioner applied for statutory bail, in view of the fact that the chemical report had not been filed. The learned Trial Court dismissed his application. Hence, the present application.
4. Since the chemical report is yet to be filed and the petitioner has exercised his right to avail statutory bail after expiry of 180 days, 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 is entitled to default bail.

5. Accordingly, we direct that the petitioner, namely, **Binod Kumar Shaw @ Vinod @ Raki**, 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, Howrah 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.)