

CRM (NDPS) 1769 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 **English Bazar Police Station** Case No. **213 of 2024** dated **12.02.2024** under Sections **21(C)/29** of the NDPS Act.

- A n d -

In the matter of : Tipu Sekh

.... Petitioner.

Mr. Sagar Saha,
Mr. N. Seikh,

... For the Petitioner.

Ms. Anasuya Sinha,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he was arrested on February 12, 2024. Charge sheet, without the FSL report was filed on August 9, 2024 i.e., on the 181th day after his arrest. On the very next date, i.e., August 10, 2024, he applied for statutory bail contending that a charge sheet without the FSL report is an ineffective one and not a charge sheet within the meaning of Criminal Procedure Code. His application for statutory bail having been rejected, he is before us.

2. While opposing the prayer for bail, learned State Advocate in her usual fairness says that the FSL report is still not available.

3. In that view of the matter, we have to grant statutory bail to the petitioner relying on the ratio of the decision 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. Hence, the petitioner's prayer for bail is allowed.

5. Accordingly, we direct that the petitioner, namely, **Tipu Sekh**, 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 Court, Additional District Judge, 4th Court, 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 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.)