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20-12-2024  
(ct. no.29)  
S. De  
(Allowed)

## CRM (NDPS) 1790 of 2024

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Jhalda Police Station Case No.26 of 2024 dated 02.02.2024 under Sections 15(C)** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

**In the matter of : Kuldeep Singh.**

.... Petitioner.

Mr. Apalak Basu,  
Mr. Shiven Ray,

... For the Petitioner.

Ms. Faria Hossain, Ld. APP  
Mr. Sandip Kundu,

... For the State.

### **Order dictated by Arijit Banerjee, J.**

1. The petitioner was arrested on February 2, 2024, for allegedly possessing narcotic drugs. Chargesheet was filed on July 30, 2024, but without the FSL report. 180 days from the date of the petitioner's arrest expired on August 1, 2024. The petitioner applied for statutory bail before the learned Trial Court on August 12, 2024. Such prayer having been rejected, the petitioner is before us by way of this application which was filed on November 12, 2024.
2. Learned State counsel, while opposing the bail prayer, says that supplementary chargesheet has been filed with the FSL report on December 9, 2024. January 6, 2025, is the next date fixed by the learned Trial Court.
3. It is, therefore, clear from the facts recorded above that the chargesheet, though filed within the statutory period of 180

days, was not accompanied by the FSL report. Immediately upon expiry of 180 days, the petitioner became entitled to statutory bail going by the decision in the case of **Idul Mia [CRM (NDPS) 1359 of 2024]**. The petitioner exercised such right by filing an application before the learned Trial Court. Suffering a rejection there, the petitioner is before us. After the present application was filed, the FSL report has been brought on record before the learned Trial Court by way of supplementary chargesheet. That would not, however, affect the indefeasible right to avail of default bail that accrued in favour of the petitioner earlier.

4. Hence, we are constrained to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Kuldeep Singh** shall be released on bail upon furnishing a bond of Rs. 25,000/- with two sureties of Rs.12,500/- each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court (under the NDPS Act), Purulia subject to the condition that the petitioner shall not leave the jurisdiction of the concerned Police Station and shall meet the Officer-in-Charge of the concerned Police Station, once in a fortnight until further orders.
6. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

7. 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.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.
10. 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. )**