

C.R.M. (NDPS) 1871 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure as amended /under Section 483 of the Bharatiya Nagarik Surksha Sanhita, 2023, in connection with **Ashoknagar Police Station Case No.716 of 2023** dated **15.10.2023** under **Sections 21(c)** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : **Sandip Bit @ Babai.**

Mr. Raja Mukherjee, ...for the Petitioner

Ms. Faria Hossain, APP

Mr. Rajes Jana,for the State

1. Petitioner contends that co-accused has been enlarged on bail.

Police did not contain FSL report. Petitioner is entitled to similar relief. There is delay in trial. He renews his bail prayer on the ground of delay.

2. State contends that petitioner has criminal antecedents.

3. Accordingly, we direct that the petitioner, namely, **Sandip Bit @ Babai** shall be released on bail upon furnishing a bond of Rs. 25,000/ (Rupees Twenty Five Thousand), 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), Barasat, 24-Parganas (North), subject to the condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

4. In the event petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall

be at liberty to cancel his bail in accordance with law without further reference to this Court.

5. We make it clear that in the even the Hon'ble Supreme Court decides the issue pending before it against the petitioner, i.e., if it is held that mere non-filing of the FSL report along with the original charge-sheet or filing of the FSL report along with the supplementary charge-sheet beyond 180 days will not entitle the petitioner to statutory bail, then this bail order shall automatically stand recalled and/or cancelled.
6. The application for bail is, thus, allowed and disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)