

JPD-14
Ct No.01
22.07.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 258 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Maynaguri** Police Station Case No. **285** of **2023** dated **18.07.2023** under Section **20(b)(ii)(C)/25/29 of the NDPS Act, 1985.**

And

In the matter of: **Shanti Bhusan Chakma and another**

.... petitioners

Ms. Madhumita Sarkar,
Ms. Rinka Chakraborty

... for the petitioners

Mr. Nilay Chakraborty, Ld. APP,
Mr. Abhijit Sarkar,
Mr. Dhiman Sil

... for the State

1. Learned counsel for the petitioners contends that charge sheet was filed in the present case without the FSL report and due to no fault of the petitioners, the petitioners are behind the bars for 368 days.
2. Learned counsel for the State points out that on two recent occasions, bail was refused to the petitioners. That apart, it is submitted that as and when the FSL report is obtained, the same shall be filed.
3. Upon considering the materials, we find that no mitigating circumstance or subsequent event has occurred after March 12, 2024, when bail of the petitioners was last rejected, to justify

grant of similar relief to the petitioners. Insofar as the delay in filing the FSL report is concerned, there is no specific bar in law to file additional charge sheet after obtaining the FSL report.

- 4.** As such, we are not inclined to grant bail to the petitioners at this stage in view of the provisions of Section 37 of the NDPS Act, 1985.
- 5.** Hence, CRM (NDPS) 258 of 2024 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)