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05-11-2024
(ct. no.01)
S. De
(Allowed)

**THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM (NDPS) 442 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 **New Jalpaiguri Police Station Case No. 1000 of 2023 dated 20.10.2023 under Sections 21(c)/23(c)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

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In the matter of : Md. Jamshed @ Md. Jamsad @ Jamsad Alam.
.... Petitioner.

Mr. Mumar Shantanu,
Mrs. Puja Chakraborty, ... For the Petitioner.

Mr. Kallol Acharjee,
Mr. Dhiman Sil, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner says that there was no recovery from his possession. He is the owner of a Mahindra Van which was parked behind a truck from which recovery was made. He is in custody for more than one year. Beyond filing of chargesheet on April 14, 2024, nothing has progressed in the trial. He prays for bail.
2. Opposing the prayer for bail, learned State counsel tells us that 2 kgs. of brown sugar was recovered from the joint possession of this petitioner and another accused person. There are only 12 witnesses named in the chargesheet. The trial may be concluded at an early date.
3. We find that the first chargesheet was filed on April 14, 2024. However, with that chargesheet the FSL report was not filed. The FSL was filed with the supplementary chargesheet on May

31, 2024, i.e. much beyond 180 days from the date of arrest of the petitioner. According to two Division Bench decisions of this Court, the petitioner became entitled to statutory bail upon expiry of 180 days since the chargesheet without FSL report is of no value. Hence, we grant bail to the petitioner.

4. Accordingly, we direct that the petitioner, namely, **Md. Jamshed @ Md. Jamsad @ Jamsad Alam** 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 Judge, Special Court (under the NDPS Act), Jalpaiguri and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the said police station once in a fortnight, until further orders.
5. 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.
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.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)