

57. 08.11.2024
Court
No.1 (Tanmoy)

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (NDPS) 465 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **New Jalpaiguri** Police Station Case No. **78/2024** dated **06.02.2024** under Section **21(c)** of the NDPS Act, 1985.

And

In the matter of: - **Ranjeet Chhetri @ Ranjit**

...petitioner.

Mr. Hillol Saha Podder
Ms. Mousumi Das

...for the petitioner.

Mr. Ujjwal Luksom
Ms. Namrata Das

...for State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he was arrested on February 6, 2024. Charge-sheet was filed on June 30, 2024, but without the FSL report. He relies on a Division Bench judgment in the case of **Edul Mia**, passed in **CRM (NDPS) 1359 of 2024**, in support of his contention that charge-sheet filed in an NDPS case without FSL report is a worthless piece of paper and is not a charge-sheet within the meaning of Code of Criminal Procedure. He prays for statutory bail since FSL report has still not been filed.
2. Opposing the prayer for bail learned State Advocate says that leave has been sought for to file supplementary charge-

sheet with which FSL report will be filed. Commercial quantity of contraband item was seized from this petitioner. His bail prayer should not be allowed.

3. We are bound by the Division Bench judgment referred to above. Admittedly, even as of date, the FSL report is not available. Hence, on the 181st day after the arrest of the petitioner, he became entitled to statutory bail. Therefore, we feel impelled to allow the bail prayer of the petitioner.
4. Accordingly, we direct that the petitioner, namely, **Ranjeet Chhetri @ Ranjit** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of Rs.12,500/- (Rupees Twelve Thousand Five Hundred) each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, 1st Court, Jalpaiguri, subject to 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.
5. In the event the 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.

6. The application for bail being CRM (NDPS) 465 of 2024 is accordingly disposed of.
7. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all necessary formalities.

(Arijit Banerjee, J.)

(Biswaroop Chowdhury, J.)