

11.11.2024
Item no. 8.
Court No.1.
AB
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (NDPS) 470 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhaktinagar Police Station Case No.131 of 2024 Dated 16.02.2024 under Sections 21(c)/22(c)/25/29 of the NDPS Act, 1985

And

In the matter of : Santosh Mahato & Anr.Petitioners.

Mr. Debajit Kundufor the Petitioners.

Mr. A. S. Chakraborty, ld. APP

Mr. Tapan Bhattacharya

Mr. Sourav Gangulyfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioners renew their prayer for bail, which was rejected on August 1, 2024. They say that on August 3, 2024, charge sheet was filed but without FSL Report. Such a charge sheet is no charge sheet in the eye of law. They pray for statutory bail.
2. Learned Advocate for the State, while opposing the prayer for bail, in view of commercial quantity of contraband being involved, candidly admits that FSL report is not available even as of today.

3. Two Division Benches of this Court have held that unless the FSL report accompanies the charge sheet in an NDPS case, the charge sheet is of no value.
4. For the reason aforestated, we are of the view that the petitioners are entitled to statutory bail.
5. Accordingly, we direct that the petitioners, namely **Santosh Mahato and Rony Ghosh** shall be released on bail upon furnishing a bond of Rs.25,000/-each, 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 at 1st Court, Jalpaiguri, and on further condition that the petitioners shall remain within the jurisdiction of local police station and they shall report to the Officer in charge of that police station once in a fortnight until further orders.
6. The petitioners 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 and/or commit any cognizable offence in any manner whatsoever.
7. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' 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.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)