

11.11.2024
Item no. 10.
Court No.1.
AB
(Allowed)

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

CRM (NDPS) 475 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 Matigara Police Station Case No.66 of 2024 Dated 30.01.2024 under Sections 21(c) of the NDPS Act, 1985

And

In the matter of : Ratan Biswas Petitioner.

Mr. Sourav Ganguly,
Mr. Gopal Roy
Ms. Rishita Chakraborty.....for the Petitioner.

Mr. Nilay Chakraborty, ld. APP
Mr. Aniruddha Biswas for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail, which was rejected earlier on July 24, 2024. The petitioner says that he is in custody for more than nine months. He says that the charge sheet was filed on July 10, 2024, but without the FSL report. Such a charge sheet is of no value. He prays for statutory bail.
2. Learned Advocate for the State, while opposing the prayer for bail, on the ground of commercial quantity of contraband being involved, candidly admits that the charge sheet was filed without the FSL report. However, the FSL report is now available and the samples have

tested positive for the presence of contraband items.
However, the FSL report has still not been filed.

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 petitioner is entitled to statutory bail.
5. Accordingly, we direct that the petitioner, namely **Ratan Biswas** shall be released on bail upon furnishing a bond of Rs.25,000/-, 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 Siliguri, and on further condition that the petitioner shall remain within the jurisdiction of local police station and he shall report to the Officer in charge of that police station once in a fortnight until further orders.
6. 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 and/or commit any cognizable offence in any manner whatsoever.
7. 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.

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.)