

67. 08.11.2024
Court
No.1 (Tanmoy)

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE
CRM (NDPS) 489 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 **Bhaktinagar** Police Station Case No. **779/2023** dated **02.09.2023** under Sections **21(C)/22(C)** of the NDPS Act, 1985.

And

In the matter of: - **Dipesh Tamang**

...petitioner.

Mr. Anshu Narayan Sarkar

...for the petitioner.

Mr. Nilay Chakraborty, APP

Ms. Namrata Das

...for State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that charge-sheet was filed though within 180 days from the date of his arrest, but without the FSL report. The FSL report was filed by way of a supplementary charge-sheet much after the expiry of 180 days. He prays for bail.
2. The State could not show us any order extending the time for completing investigation or filing supplementary charge-sheet.
3. The view of this Court as is reflected in at least two Division Bench judgments is that a charge-sheet file without FSL report, even if filed within 180 days, is of no value. In such a case, the accused becomes entitled to statutory bail upon expiry of 180 days from the date of his arrest.

4. In view of the aforesaid, we are constrained to grant bail to the petitioner.
5. Accordingly, we direct that the petitioner, namely, **Dipesh Tamang** 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 Additional Sessions Judge, ^{1st} Court, Jalpaiguri (under NDPS Act), 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.
6. 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.
7. The application for bail being CRM (NDPS) 489 of 2024 is accordingly disposed of.
8. 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.)