

26.11.2024
Ct. No. 01
SL No.21
Cp
(Allowed)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (NDPS) No. 510 of 2024

In Re: - An application for bail under Section 483 of the B.N.S.S. 2023 in connection with Maynaguri Police Station Case No. 159 of 2024 dated 25.04.2024 under Sections 8C/20(b) (II) (C)/25/29 of the NDPS Act, 1985.

And

In the matter of: Rajesh Mandal

Mr. Sanjay Mazoomdar
Mr. Rahul Ghatak
Ms. Sukanya Adhikary

... for the petitioner

Mr. Nilay Chakraborty
Ms. Namrata Das

...for the State

1. The petitioner prays for bail on the ground that charge-sheet was filed without any chemical examination report and taking note of such fact a co-accused has already been granted bail. The petitioner is in custody for 216 days.
2. Learned advocate for the State opposes the prayer for bail and submits that the entitlement of the petitioner for bail under such circumstances is a point yet to be decided by the Hon'ble Apex Court.
3. Considering the period of incarceration, the fact that the charge-sheet was filed without the chemical examination report and also the order passed by a learned coordinate Bench dated November 6, 2024, this Court is inclined to grant bail to the petitioner.

4. We are also informed that the FSL report has not been furnished to the police authorities in spite of repeated request.
5. Accordingly, we direct that the petitioner 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 learned Judge, Special Court under NDPS Act, 1st Court, Jalpaiguri, subject to the condition that the petitioner shall appear before the learned Trial Court on each and every date of hearing subject to the provisions of Section 317 of the Code of Criminal Procedure corresponding to Section 355 of the B.N.S.S., 2023, and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future. The petitioner shall not leave the jurisdiction of the trial court until further orders.
6. In the event the petitioner fails to comply with the conditions as stated hereinabove, 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 is, thus, allowed and disposed of.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)