

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

26.11.2024
Item No.29
Court No.1
(GB)
(Allowed)

CRM (NDPS) 521 of 2024

In Re: - An application for bail under section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 in connection with **Maynaguri** Police Station Case No.**25/2024** dated **25.04.2024** under Sections 8C/20(b)(ii)(C)/25/29 of NDPS Act, 1985.

And

In the matter of: **Khairul Mandal**

....Petitioner.

Mr. Sanjay Mazoomdar,
Ms. Sukanya Adhikari,
Mr. Rahul Ghatak

...for the Petitioner.

Mr. Tapan Bhattacharjee,
Mr. Subhasish Misra

... for the State.

1. The petitioner prays for bail on the ground that the 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 195 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 FSL report has not yet 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 the learned Judge, Special Court under NDPS Act, 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 will remain within the jurisdiction of the trial court until further orders.

6. In the event the petitioner fails to comply with the conditions as enshrined 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, being CRM (NDPS) 521 of 2024 is, thus, disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Partha Sarathi Chatterjee, J.)