

17.
13-02-2025
(ct. no.29)
(allowed)
debajyoti

CRM (NDPS) 21 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with English Bazar Police Station Case No.1473 of 2023 dated 07-09-2023 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Jiaul Momin

.... Petitioner.

Mr. Arup Kumar Bhowmick

... For the Petitioner.

Mr. Ranabir Roy Chowdhury,
Ms. Rita Dutta

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner was arrested on September 07, 2023. Charge sheet without the FSL report was filed on March 04, 2024, i.e., on the 180th day after the petitioner's arrest. The petitioner applied for default bail on March 06, 2024. His prayer having been rejected, he has filed this application. He says that he is covered by the ratio of the decision in the case of ***Idul Mia Vs. State of West Bengal*** reported at **2024 Supreme Court Cases Online Cal 9109**.

2. Learned State advocate, while opposing the prayer for bail, in his usual fairness, says that the FSL report was filed along with the supplementary charge sheet on March 27, 2024.

3. We, therefore, see that prior to FSL report being filed, a right to obtain statutory bail accrued in favour of the

petitioner. He exercised such right by approaching the learned trial Court. Learned trial Court ought to have granted his prayer.

4. Hence, we allow this application for bail.

5. Accordingly, we direct that the petitioner, namely, **Jiaul Momin**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of Rs.12,500/- each, one of whom must be local, to the satisfaction of learned Additional District Judge, 3rd Court, Special Court under NDPS Act, Malda. The petitioner shall appear before the learned trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and/or commit any cognizable offence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in a week, until further orders.

6. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

7. The application for bail is, thus, **allowed**.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)