

CRM (NDPS) 31 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Karimpur Police Station** Case No. **56 of 2024** dated **24.03.2024** under Sections **21(c)** of the NDPS Act.

- A n d -

In the matter of : Khokan Karikar

.... Petitioner.

Mr. Joydeep Biswas,
Mr. A. Islam,
Mr. Sourav Mukherjee,
Mr. Kaushik Ghosh,

... For the Petitioner.

Ms. Amita Gour,
Ms. Sonali Bhar,

... for the State.

Dictated by Arijit Banerjee, J:-

1. The petitioner says that he is covered by the ratio of the decision in **Idul Mia-vs.-State of West Bengal**, report in **2024 SCC Online Cal 9109**. Although charge sheet was filed without the FSL report within the statutory period of 180 days, supplementary charge sheet with the FSL report was filed on 181st day after his arrest. He says that he, therefore, became entitled to default bail. He approached the learned Trial Court for bail in November, 2024. However, such prayer was rejected.

2. We do not agree with learned Advocate for the petitioner that this case is covered by the ratio of the decision in **Idul Mia (supra)**. The petitioner did not apply for bail or default bail after expiry of 180 days from the date of his arrest and prior to filing of the supplementary charge sheet along with the chemical report. Therefore, whatever right he may have had for a short period of

time, to obtain default bail, stood extinguished once the chemical report was brought on record by way of the supplementary charge sheet.

3. Hence, the prayer for default bail of the petitioner is rejected.

4. CRM (NDPS) 31 of 2025 is, thus, dismissed.

5. This will not prevent the petitioner from approaching the appropriate forum for bail on merits.

6. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)