

13.02.2025
Item no. 42.
Court No.29.
AB
(Allowed)

CRM (NDPS) 47 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Karandighi Police Station Case No.608 of 2023 Dated 19.10.2023 under Section 21C of the NDPS Act

And

In the matter of : Asiruddin & Anr.Petitioners.

Mr. J. I. Hossainfor the Petitioners.

Mr. Rudradipta Nandy, Id. APP
Ms. Suparna Chatterjeefor the State.

Dictated by Arijit Banerjee, J.

1. The petitioners were arrested on October 19, 2023. Charge Sheet without the chemical report was filed on April 9, 2024. 180 days from the date of the petitioners' arrest expired on April 6, 2024. The petitioners applied for bail before the learned Trial Court on August 28, 2024. The bail prayer having been rejected, they are before us. They say that they are covered by the ratio of the decision in the case of **Idul Mia** reported in **2024 SCC Online CAL 9109**. They are entitled to statutory bail.
2. Learned APP tells us very fairly that the supplementary charge sheet along with the chemical report was filed on September 26, 2024. The trial is in progress. The date for recording evidence has been fixed.

3. We, therefore, see that on the day the petitioners applied for bail before the learned Trial Court, 180 days had expired from the date of their arrest and the chemical report was still not available. Hence, their case would be squarely covered by the ratio of the decision in the case of ***Idul Mia (supra)***.
4. Hence, we have to grant bail to the petitioners.
5. Accordingly, we direct that the petitioners, namely **ASIRUDDIN** and **TAPAS ADHIKARY** shall be released on bail upon furnishing a bond of Rs.25,000/-each, with two sureties of Rs.12,500/- each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act at Raiganj, Uttar Dinajpur, and on further conditions that they shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
6. The petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
7. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.

8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)