

18.02.2025
Item no. 28.
Court No.29.
AB
(Allowed)

CRM (NDPS) 69 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 Suti Police Station Case No.91 of 2024 Dated 08.02.2024 under Section 20(b)(ii)(c)/29 of the NDPS Act

And

In the matter of : Dipankar Roy & Anr. Petitioners.

Mr. Tapodip Gupta for the Petitioners.

Mr. Madhusudan Sur, ld. APP
Mr. Asraf Mondal for the State.

Dictated by Arijit Banerjee, J.

1. The petitioners were arrested on February 8, 2024. Charge sheet, without the FSL report, was filed on July 30, 2024. 180 days from the date of their arrest expired on August 6, 2024. The petitioners applied for statutory bail on January 4, 2025 before the learned Trial Court. Such prayer having been rejected, they are before us by way of this petition.
2. Learned APP, while opposing the prayer for bail, in his usual fairness, tells us that the FSL report is still not on record. However, commercial quantity of contraband items was seized from the petitioners.
3. We, therefore, see that the charge sheet was filed without the FSL report. The FSL report has still not been brought on record. The petitioners applied for statutory bail before the learned Trial Court. Following the ratio of the decision in the case of ***Idul Mia*** reported

in **2024 SCC Online CAL 9109**, statutory bail ought to have been granted to the petitioners.

4. We, therefore, grant bail to the petitioners.
5. Accordingly, we direct that the petitioners, namely **DIPANKAR ROY** and **TAPAN MONDAL @ TAPAN MANDAL** 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 Berhampore, Murshidabad, and on further conditions that they shall not leave the jurisdiction of the Berhampore Police Station and shall report to the Inspector-in-Charge of the Berhampore Police Station twice a week 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

