

CRM (NDPS) 89 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 **Jagacha Police Station** Case No. **188 of 2023** dated **30.09.2023** under Sections **20(b)(ii)(c)** of the NDPS Act.

- A n d -

In the matter of : Md. Selim Gazi & Anr.

.... Petitioners.

Mr. Toslim Ali,

... For the Petitioners.

Ms. Saryati Datta,

Mr. R. Ghosh,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioners were arrested on September 30, 2023. The charge sheet without the FSL report was filed on February 28, 2024. 180 days from the date of the petitioners' arrest expired on March 30, 2024. The petitioners applied for bail before the learned Trial Court on July 11, 2024. Their bail prayer having been rejected, they are before us by way of this application.

2. Learned State Advocate says that till date the chemical report is not available.

3. We, therefore, see that on the day petitioners prayed for bail before the learned Trial Court, the chemical report was still not on record. The charge sheet was an incomplete charge sheet going by the decision in case of Rakesh Sha-vs.-State of West Bengal, reported in **2023 SCC Online Cal 2463**. This case is squarely covered by the decision in the case of **Idul Mia-vs.-State of West Bengal**, reported in **2024 SCC Online Cal 9109**.

4. Hence, we are constrained to enlarge the petitioners on bail.

5. Accordingly, we direct that the petitioners, namely, **Md. Selim Gazi and Rupiya Gayen**, shall be released on bail upon furnishing a bond of Rs. 25,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under the NDPS Act, Howrah subject to condition that they shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioners while on bail shall remain within the jurisdiction of the concerned police station and the petitioner no. 1 shall meet the I.C of the concerned police station once in a fortnight until further orders.

6. 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.

7. The application for bail is, accordingly, allowed.

8. 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.)**