

18.02.2025  
Item no. 62.  
Court No.29.  
AB  
(Allowed)

**CRM (NDPS) 107 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 Sankrail Police Station Case No.483 of 2024 Dated 05.07.2024 under Section 20(b)(ii)(c) of the NDPS Act

And

**In the matter of : Rajib Saha                         .....Petitioner.**

Mr. Sankar Paul,  
Mr. Mirtunjoy Halder,  
Ms. Kumari Shipra Roy .....for the Petitioner.

Mr. Bibaswan Bhattacharya  
Mr. Raju Mondal .....for the State.

**Dictated by Arijit Banerjee, J.**

1. The petitioner was arrested on July 5, 2024. Charge sheet, without the FSL report, was filed on December 17, 2024. 180 days from the date of his arrest expired on January 1, 2025. The petitioner approached the learned Trial Court for bail on January 9, 2025. Such prayer having been rejected, he is before us by way of this petition.
2. Learned State Advocate, while opposing the prayer for bail, in his usual fairness, tells us that the FSL report is still not on record.
3. Therefore, we see that this case is squarely covered by the ratio of the decision in the case of **Idul Mia** reported in **2024 SCC Online CAL 9109**.
4. Therefore, the petitioner is entitled to statutory bail.

5. Accordingly, we direct that the petitioner, namely **RAJIB SAHA** shall be released on bail upon furnishing a bond of Rs.25,000/-, 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 Howrah, and on further conditions that he shall not leave the jurisdiction of the concerned Police Station and shall report to the Inspector-in-Charge of the concerned Police Station once a week until further orders.
6. The petitioner 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 petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's 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.)**

