

26.02.2025
Item no. 40.
Court No.29.
AB
(Allowed)

CRM (NDPS) 143 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 Goalpokher Police Station Case No.281 of 2022 Dated 30.07.2022 under Section 21(c)/29 of the NDPS Act

And

In the matter of : Sajjad Alam @ Sajjad Alom

.....Petitioner.

Mr. Navanil De

Mr. Srinjan Ghosh

.....for the Petitioner.

Mrs. Anasuya Sinha, Id. APP

Ms. Eshita Dutta

.....for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner was arrested on September 26, 2022. The charge sheet, without the chemical report, was filed on March 14, 2023. 180 days from the date of his arrest expired on April 4, 2023. He applied for bail before the learned Trial Court on September 25, 2023. Such prayer having been rejected, he is before us. The petitioner relies on the decision in the case of **Idul Mia** reported in **2024 SCC Online CAL 9109** saying that he is entitled to statutory bail.
2. Learned State Advocate tells us that the chemical report was filed along with supplementary charge sheet on March 21, 2024.
3. We, therefore, see that the petitioner exercised his right to obtain default bail prior to the chemical report being filed. Hence, going by the ratio of the decision in the case of **Idul Mia (supra)**, we have to grant him bail.

4. Accordingly, we direct that the petitioner, namely **SAJJAD ALAM @ SAJJAD ALOM** 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 Raiganj, Uttar Dinajpur, and on further conditions that he shall remain within the jurisdiction of the concerned Police Station and shall meet the Officer in Charge of the concerned Police Station once in a fortnight until further orders.
5. 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.
6. 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.
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.)

