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06-03-2025
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 146 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Lalgola Police Station Case No. 86 of 2024 dated 08.02.2024 under Sections 21(C)** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Atikul Sk.

.... Petitioner.

Mr. Malay Bhattacharyya,
Mr. Subhrayyoti Ghosh,

... For the Petitioner.

Mr. Saryati Dutta,
Mr. Tirupati Mukherjee,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner was arrested on February 8, 2024 in connection with an NDPS case. On August 2, 2024, chargesheet was submitted but without the FSL report. 180 days from the date of the petitioner's arrest expired on or around August 7, 2024. He applied for bail before the learned Trial Court on August 20, 2024. Such prayer having been rejected, he is before us.
2. Learned State counsel says that the chemical report was filed before the learned Trial Court along with supplementary chargesheet on October 7, 2024.
3. Therefore, we see that when the petitioner applied for statutory bail before the learned Trial Court after expiry of 180 days from the date of his arrest, the chemical report was still not on record. Hence, going by the ratio of the decision in the case of **Idul Mia** reported in **2024 SCC OnLine Cal 9109**, the petitioner ought to have been granted bail.
4. Hence, we are inclined to grant bail to the petitioner.

5. Accordingly, we direct that the petitioner, namely, **Atikul Sk** 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), Berhampore, Murshidabad, subject to the condition that the petitioner shall remain within the jurisdiction of the Lalgola Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge of the Lalgola Police Station, once in a fortnight 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 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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)