

CRM (NDPS) 181 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 **Karandighi Police Station** Case No. **59 of 2021** dated **07.02.2021** under Sections **21(b)** of the NDPS Act.

- A n d -

In the matter of : Md. Mustakim

.... Petitioner.

Mr. Navanil De,
Mr. Srijan Ghosh,

... For the Petitioner.

Mrs. Baishakhi Chatterjee,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Status report filed by the State be kept with the records.
2. The petitioner was arrested on February 7, 2021. Charge sheet without the chemical report was filed on April 29, 2021. 180 days from the date of the petitioner's arrest expired on August 6, 2021. He applied for bail on November 22, 2024 before the learned Trial Court. His prayer having been rejected he is before us.
3. The petitioner claims statutory bail on the basis of the decision in the case of Idul Mia in CRM (NDPS) 1359 of 2024, **reported in 2024 SCC Online Cal 9109**. He says that even as on November 21, 2024 the chemical report was not on record and, therefore, the trial court should have granted him statutory bail going by the decision in the case of Idul Mia (supra).
4. Learned State Advocate tells us that the chemical report has been filed before the learned Trial Court on February 28, 2025.
5. We, therefore, see that when the petitioner approached the learned Trial Court on November 21, 2024, the chemical report was still not on record. Therefore, going by the decision in Idul Mia

(supra), the petitioner should have been granted default bail. Once the petitioner exercised his right to obtain default bail, subsequent filing of chemical report would not affect such right.

6. Hence, we are inclined to enlarge the petitioner on bail.

7. Accordingly, we direct that the petitioner, namely, **Md. Mustakim**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, 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, Raiganj, Uttar Dinajpur subject to condition that he 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 petitioner while on bail shall not leave the jurisdiction of the Raiganj Police Station except for the purpose of attending court proceedings and shall meet the I.C. of the said police station once in a fortnight until further orders.

8. 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.

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

10. 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.**)