

23. 21.03.2025
Court
No.29 (Pritam)
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 208 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Goalpokher** Police Station Case No.**425/2023** dated **01.08.2023** under Section **21(C)** of the Narcotic Drugs & Psychotropic Substances Act, 1985.

And

In the matter of: - **Sur Alam.**

...petitioner.

Mr. Navanil De,
Mr. Srijan Ghosh

...for the petitioner.

Mr. Debasish Roy, Ld. P.P.,
Mr. Arijit Ganguly,
Mr. Koushik Kundu

...for the State.

Dictated by Arijit Banerjee, J.

1. Report filed by the State be kept with the records.
2. We find from the report and the records of the case that the FSL report was received by the learned trial court on March 21, 2024, as recorded in our earlier order dated March 6, 2025. The petitioner was arrested on August 1, 2023. The charge-sheet without the medical report was filed on December 23, 2023. 180 days from the date of the petitioner's arrest expired on January 28, 2024. The petitioner approached the learned trial court for bail on February 12, 2024. Such prayer was rejected. Hence this application.

3. Since the FSL report was not on record on February 12, 2024, the learned trial court ought to have allowed the petitioner's prayer for bail. This would follow from the ratio of the decision in the case of *Idul Mia* in CRM (NDPS) 1359 of 2024.
4. Hence, we are not inclined to grant bail to the petitioner.
5. Accordingly, we **allow** the petitioners' prayer for bail.
6. Accordingly, we direct that the petitioners, namely, **Sur Alam** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned *Judge, NDPS Act, 1st Court-cum-Additional District and Sessions Judge, Raiganj, Uttar Dinajpur*. The petitioners shall appear before the trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this court.
8. The application for bail being CRM (NDPS) 208 of 2025 is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)