

11.03.2025
Item no. 39.
Court No.29.
AB
(Allowed)

CRM (NDPS) 240 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 Farakka Police Station Case No.291 of 2024 Dated 09.08.2024 under Section 21C/29 of the NDPS Act

And

In the matter of : Biswajit Debnath & Others

.....Petitioners.

Mr. J. I. Hossain for the Petitioners.

Mr. Antarikhya Basu,
Mr. Atanu Ghosh for the State.

Dictated by Arijit Banerjee, J.

1. The petitioners were arrested on August 9, 2024. The charge sheet without the FSL report was filed on January 31, 2025. 180 days from the date of the petitioners' arrest expired on February 4, 2025. The petitioners applied for statutory bail before the learned Trial Court on February 12, 2025. Their prayer having been rejected, they are before us by way of this application.
2. Learned State Counsel says that the FSL report was filed before the learned Trial Court with supplementary charge sheet on March 9, 2025.
3. We, therefore, see that the petitioners applied for statutory bail after expiry of 180 days from the date of their arrest and prior to the FSL report being filed before

the learned Trial Court. The charge sheet that was on record was an incomplete one. Hence, going by the ratio of the decision in the case of **Idul Mia** reported at **2024 SCC Online CAL 9109**, the petitioners should have been granted statutory bail.

4. Hence, we allow the petitioners' prayer for bail.
5. Accordingly, we direct that the petitioners, namely **BISWAJIT DEBNATH, SWAPNA SARKAR, SWAPNA DEY** shall be released on bail upon furnishing a bond of Rs.25,000/-each, 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 Berhampore, Murshidabad, and on further conditions that they shall not leave the jurisdiction of the concerned police station and the petitioner no.1 shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
6. The petitioners 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 petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the

petitioners' 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.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)