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11-03-2025
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 255 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 **Sagarpara Police Station Case No. 315 of 2024 dated 09.08.2024 under Sections 21(C)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Sohel Sk. @ Akash @ Akash Sk & Anr.
.... Petitioners.

Mr. Arnab Chatterjee,
Ms. Poulami Bose,
Ms. Dhanasree Biswas,
Mr. A. Ghosh, ... For the Petitioners.

Mr. Kutubuddin, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioners were arrested on August 9, 2024 in connection with an NDPS case. On February 5, 2025, chargesheet was submitted but without the FSL report. 180 days from the date of the petitioners' arrest expired on or around February 6, 2025. They applied for statutory bail before the learned Trial Court on February 7, 2025. Such prayer having been rejected, they are before us.
2. Learned State counsel, in his usual fairness, says that till date the FSL report is not available.
3. Therefore, we see that when the petitioners applied for statutory bail before the learned Trial Court after expiry of 180 days from the date of his arrest, the FSL 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 petitioners ought to have been granted bail.

4. Hence, we are inclined to grant bail to the petitioners.
5. Accordingly, we direct that the petitioners, namely, **Sohel Sk. @ Akash @ Akash Sk** and **Mainul Islam** 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), Berhampore, Murshidabad, subject to the condition that the petitioner shall remain within the jurisdiction of the Sagarpara Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge of the Sagarpara 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 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.)