

38.
21-03-2025
(ct. no.29)
debajyoti
(allowed)

CRM (NDPS) 265 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Jalangi Police Station Case No.152 of 2023 dated 16-05-2023 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Hasan Mondal

.... Petitioner.

Mrs. Arushi Rathore,
Mr. Soumya Raha

... For the Petitioner.

Mr. Joydeep Roy, learned Jr. Govt. Adv.,
Ms. Madhumita Basak

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner was arrested on February 22, 2024. Charge sheet without the chemical report had been filed on October 31, 2023. 180 days from the date of arrest of the petitioner was expired on August 21, 2024. The petitioner prayed for bail before the learned trial Court on November 26, 2024. His prayer was rejected. Hence, this petition.

2. The petitioner relies on the ratio of the decision in the case of **Idul Mia Vs. The State of West Bengal** reported in **2024 Supreme Court Cases Online Cal 9109**.

3. Learned State advocate tells us that the chemical report was filed on January 24, 2025.

4. We, therefore, see that as on the date when the petitioner prayed for bail before the learned trial Court, the chemical report was still not on record.

5. Hence, going by the decision in the case of **Idul Mia** (supra), the petitioner should have been granted bail.

6. We, therefore, allow this application for bail.

7. Accordingly, we direct that the petitioner, namely, **Hasan Mondal**, 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, Special Court under NDPS Act cum Additional Sessions Judge, 5th Court, Berhampore, Murshidabad. The petitioner shall appear before the learned trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and/or commit any cognizable offence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in a week, until further orders.

8. 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.

9. The application for bail is, thus, **allowed**.

10. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

11. 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.)