

CRM (NDPS) 268 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.22 of 2023 dated 03.01.2023 under Sections 21(C)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Momin Hoque @ Momin Haque.

.... Petitioner.

Mr. Arnab Chatterjee,
Ms. Poulomi Bose,
Ms. Dhanasree Biswas,
Mr. Avik Ghosh,

... For the Petitioner.

Ms. Purnima Ghosh,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner was arrested on January 23, 2023 in connection with an NDPS case. On July 21, 2023, chargesheet was submitted but without the Chemical Report. 180 days from the date of the petitioner's arrest expired on or around July 24, 2023. The petitioner's prayer for bail was rejected by the learned Trial Court on July 15, 2024. Hence, the petitioner is before us by way of this application.
2. Learned State counsel says that she was unable to find anything in the case diary regarding filing of the chemical report with or without supplementary chargesheet.
3. However, learned counsel for the petitioner points out that supplementary chargesheet was filed presumably with the chemical report on August 29, 2024, as would appear from that date's order recorded by the learned Trial court.

4. Therefore, we see that when the petitioner applied for statutory bail before the learned Trial Court after expiry of 180 days from the date of his arrest, the chemical 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 petitioner ought to have been granted bail.
5. Hence, we are inclined to grant bail to the petitioner.
6. Accordingly, we direct that the petitioner, namely, **Momin Hoque @ Momin Haque** shall be released on bail upon furnishing a bond of Rs. 25,000/ 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.
7. The petitioner 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.
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.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)