

45. 17.03.2025
Court
No.29 (Pritam)
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 284 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.**49/2024** dated **06.02.2024** under Sections **21(c)/25/29** of the Narcotic Drugs & Psychotropic Substances Act, 1985.

And

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

...petitioner.

Mr. Navanil De,
Mr. Srijan Ghosh

...for the petitioner.

Ms. Rituparna Ghosh,
Ms. Suparna Chatterjee

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner was arrested on February 6, 2024. Charge-sheet without the FSL report was filed on June 3, 2024. 180 days from the date of the petitioner's arrest expired on August 5, 2024. The petitioner prayed for statutory bail before the learned trial court on September 6, 2024. His prayer having been rejected, he is before us.
2. Learned State advocate, while opposing the prayer for bail, tells us that the chemical report was filed before the learned trial court on November 4, 2024.

3. Therefore, we see that on the day the petitioner prayed for bail before the learned trial court, the chemical report was not on record. He was, therefore, entitled to statutory bail going by the ratio of the decision in the case of *Idul Mia* in CRM (NDPS) 1359 of 2024.
4. Hence, we **allow** the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Mustak 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, 1st Court, Special Court, NDPS Act, Raiganj, Uttar Dinajpur*. The petitioner 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.
6. 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.
7. The application for bail being CRM (NDPS) 284 of 2025 is, thus, disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. 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.)