

20.03.2025

DL-78

Court No.26

CRM 7691 of 2021

(Disposed of)

(AD)

In re: An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure, 1973.

-And-

In the matter of : The State of West Bengal

... ..Petitioner

Mr. Rudradipta Nandy, Ld. APP

... ..For the State

1. State seeks cancellation of bail granted to the private opposite parties by the orders dated March 4, 2021 and March 23, 2021 passed by the learned Judge-I, NDPS Act, City Sessions Court, Calcutta.
2. Learned Additional Public Prosecutor relies upon an order dated March 10, 2025 passed in CRM 7704 of 2021 and submits that, the factual matrix of the present case is similar to that of CRM 7704 of 2021. He points out that, chemical examination report was submitted with the supplementary charge sheet. The charge sheet was initially submitted within 180 days. Therefore, according to him, learned Judge erred in granting bail to the private opposite parties purely on the ground that, there was default in filing the chemical examination report.
3. In the facts of the present case, the charge sheet was submitted well within the statutory period of 180 days. It is so noted by the learned Sessions Judge. However, the

chemical examination report was not filed along with the initial charge sheet.

4. Private opposite parties did not apply for default bail. Thereafter, the chemical examination report was submitted with the jurisdictional Court by way of a supplementary charge sheet.
5. We find from the records that as on the date of the order granting bail, the chemical examination report was on record.
6. Chemical examination report corroborates the claim of the prosecution with regard to the contraband seized.
7. In any event, a charge sheet without the FSL report *ipso facto* do not translate into a right to obtain default bail when the charge sheet is submitted within the stipulated period.
8. Impugned orders being perverse are set aside.
9. Orders granting bail are cancelled.
10. Private opposite parties will surrender within seven days from date. In default, appropriate steps be taken before the jurisdictional Court to secure their custody.
11. **CRM 7691 of 2021 is disposed of.**

(Debangsu Basak, J.)

(Smita Das De, J.)