

02.9.2025

akb

Sl. 240

Ct.29

Rejected

CRM (NDPS) No. 1054 of 2025

In re: An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with the NSPS
Case No. 05 of 2025 arising out of Kharagpur (Local) Police Station
Case No. 149 of 2025 dated 14.02.2025 under Section
20(b)(ii)(c)/25/29 of the NDPS Act, 1985.

And

In re: Bhagaban Jana & Ors.

... petitioners

Mr. Soumyajit Das Mahapatra

Ms. Madhurai Sinha

...for the petitioners

Mr. Anand Keshari

Ms. Manasi Roy

...for the State

Prosecution case is that 34.11 kgs. of Ganja was recovered from
the possession of the present three petitioners from a Maruti Swift Car
and they are in custody since 14th February, 2025.

It is submitted on behalf of the petitioner that the prosecution
submitted charge sheet on 9.8.2025 without the FSL report and after
expiry of 180th day i.e. on 13.8.2025 when the petitioners find that
Section 36(a)(4) attracts as complete charge sheet has not been filed
within 180 days, they made a prayer before the Trial Court on
14.8.2025 when their bail prayer was rejected. Referring the decision
in the case of ***Ritu Chhabaria Vs. Union of India & Ors.***, reported in
2023 SCC OnLine SC 502 and also the rejection of related review
application, being R.P. (CRL) No. 124 of 2025 in W.P. (CRL) No. 60 of
2023 dated 31st July, 2025, he submits that the charge sheet, which
has been submitted by the prosecution in the instant case without the
chemical examination report is an incomplete charge sheet and as
such he is entitled to be released on statutory bail. Learned Counsel
for the petitioners further submits that till date chemical examination
report has not been submitted.

Learned Counsel appearing on behalf of the State opposed the bail prayer contending that the commercial quantity of Narcotic substance was recovered from the possession of the present petitioners and as such the rigour of Section 37 of the NDPS Act clearly attracts in respect of the present petitioners. She further submits that the charge sheet has been submitted within the statutory period and simply in the absence of chemical report in the charge sheet, it cannot be said that an incomplete charge sheet was submitted, which gives rise to the petitioner to pray for statutory bail.

Having heard learned Counsel appearing on behalf of the petitioners and the State it appears that the petitioners failed to overcome the restrictions imposed in Section 37 of the NDPS Act and furthermore a Division Bench of this Court in **Ananta Barman's Case (C.R.M. (NDPS) 1617 of 2024)**, reported in **2025 SCC OnLine Cal. 3942** has turned down such contention and as such I find no merit in the petitioners' prayer for granting statutory bail on that ground. Therefore, the bail prayer made by the petitioners stands rejected.

The application, being CRM (NDPS) 1054 of 2025 is accordingly disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)