

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

CRM (NDPS) 1509 of 2024

**In re: An application for bail under Section 439 of the Code
of Criminal Procedure, 1973/Under Section 483 of the
Bharatiya Nagarik Suraksha Sanhita, 2023.**

Rajiv Mondal @ Rajib
-Vs.-

The State of West Bengal

Before: The Hon'ble Justice Arijit Banerjee

The Hon'ble Justice Apurba Sinha Ray

For the petitioner : Mr. Angshuman Chakraborty, Adv.

For the State : Mr. Anand Keshari, Adv.
Ms. Jonaki Saha, Adv.

Judgment On : 20.03.2025

Arijit Banerjee, J.:-

1. The petitioner was arrested on March 17, 2024, for alleged commission of offence under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act'). Allegedly 150 bottles of phensedyl cough syrup, containing codeine phosphate was seized from him.

2. On June 19, 2024, (84th day after arrest of the petitioner), the Investigating Agency filed the charge sheet but without the FSL report of the seized substance suspected to be a contraband item.

3. On September 5, 2024, (172nd day after the petitioner's arrest), his prayer for bail was rejected by the learned Trial Court.

4. On September 12, 2024 (179th day after the petitioner's arrest), the petitioner affirmed the present bail application before the Oath Commissioner, Calcutta High Court and thereafter filed the same.

5. On October 3, 2024, (200th day after the petitioner's arrest) the Investigating Officer filed supplementary charge sheet with the FSL report which confirmed presence of narcotics in the seized goods.

6. Learned Advocate for the petitioner submitted that the petitioner's application for bail was pending before this Court when the supplementary charge sheet was filed along with the FSL report.

7. Section 187(3) of the Bharatiya Nagarik Suraksha Sanhita 2023 (in short 'BNSS') stipulates that an accused person shall be released on bail on the expiry of 90 days or 60 days, as the case may be, if he is prepared to and does furnish bail. Section 187(9) of BNSS stipulates that the investigating officer has to satisfy the Court that there are special reasons for which further investigation beyond 6 months from the date of arrest of the accused person, is required.

8. At this juncture Section 36A(4) of the NDPS Act, 1985, may be noted:-

“36A(4) In respect of persons accused of an offence punishable under section 19 or section 24 or section 27-A or for offences involving commercial quantity the references in sub-section (2) of section 167 of the Code of Criminal Procedure, 1973 (2 of 1974),

thereof to "ninety days", where they occur, shall be construed as reference to "one hundred and eighty days":

Provided that, if it is not possible to complete the investigation within the said period of one hundred and eighty days, the Special Court may extend the said period up to one year on the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for the detention of the accused beyond the said period of one hundred and eighty days."

In the present case there was no extension of the period of 180 days by the Special Court.

9. It was further submitted that irrespective of whether or not the petitioner filed his bail application before this Court after expiry of the statutory period of 180 days or prior thereto, upon expiry of 180 days, it was incumbent upon the Court to make it known to the petitioner that he is entitled to statutory bail if he is prepared to and in fact furnishes bail bond. This was not done. The petitioner's bail application was not taken up for hearing before December 19, 2024. In the meantime, on October 3, 2024, the Investigating Officer filed supplementary charge sheet along with the Chemical Report.

10. Learned Advocate submitted that since the bail application of the petitioner, although filed on the 179th day after his arrest, was pending before this Court, on the 181st day the petitioner should have been informed of his right to obtain statutory bail and this Court should treat the application as one for statutory bail. In this connection learned Counsel

relied on the decision in the case of ***Idul Mia v. the State of West Bengal reported at 2024 SCC OnLine Cal 9109.***

11. Appearing for the State, learned Advocate did not dispute the facts of the case as submitted by learned Advocate for the petitioner. He said that the question that falls for consideration before this Court is whether an accused who has approached this Court to be released on bail before the expiry of 180 days which is the statutory time period allowed for submission of charge sheet, can be granted relief under Section 167 Cr.P.C. when he has not exercised his right to obtain default bail before the learned Trial Court. Learned Advocate formulated two further questions i.e., whether the indefeasible right engrafted in Section 167 Cr.P.C. can be exercised before it has accrued? And whether this Court can convert an application filed prior to expiry of the 180 days statutory period into an application for default bail after expiry of the 180 days' statutory period?

12. Learned Counsel submitted that in the facts of the present case the Investigating Agency had already submitted charge sheet against the petitioner on June 29, 2024. The prosecution also submitted a supplementary charge sheet on October 3, 2024, along with the FSL report. He submitted that the petitioner cannot be granted default bail by this Court since he filed the present application prior to expiry of the 180 days' statutory period. This application is obviously not one for default bail under Section 167 Cr.P.C., but is an application under Section 439 Cr.P.C. In this connection learned Counsel referred to the decision of the Hon'ble Supreme Court in the case of ***M. Ravindran v. Intelligence Officer, Directorate of Revenue Intelligence reported at (2021) 2 SCC 485.*** Learned Advocate

submitted that it is laid down in the said decision that a right under section 167 Cr.P.C. accrues in favour of an accused against whom a charge sheet has not been filed within the period of 180 days (or 1 year, as the case may be), in an NDPS case. The judgment also explains when the indefeasible right to obtain default bail accrues in favour of the accused. In the present case, the petitioner never tried to exercise the right to obtain statutory bail. He has prayed for bail on merits of the case.

13. Referring to the decision of this Court in the case of ***Idul Mia v. the State of West Bengal, Supra***, learned Advocate said that in that case an incomplete charge sheet without the FSL report was filed on the 177th day after the arrest of the accused person. The accused had applied for default bail on the 183rd day. Such application was dismissed by learned trial Court. Under those circumstances this Court granted bail to the accused person.

14. Learned Counsel finally submitted that it was open to the petitioner to make a prayer for default bail only after such right accrued in his favour on the 181st day. In the present case the petitioner approached both the Trial Court and this Court at a premature stage in so far as prayer for default bail is concerned. Learned Counsel prayed for dismissal of the bail application.

Court's view

15. The short question that arises for determination is, if an accused who is in judicial custody in connection with an NDPS case, files an application for bail prior to expiry of 180 days from the date of his arrest and during the pendency of that application the period of 180 days (or one year as the case

may be) expires, and charge-sheet is yet to be filed, should statutory bail be granted to the accused person on the basis of his pending application?

16. At the very outset I wish to make it clear that when I refer to a charge-sheet in an NDPS case, it should be understood to mean a charge sheet accompanied by the chemical report of the concerned forensic science laboratory in respect of the articles seized from the accused person. In the case of ***Idul Mia v. State of West Bengal , Supra,*** following a Coordinate Bench decision in the case of ***Rakesh Sha v. The State of West Bengal reported at 2023 SCC OnLine Cal 2463,*** it was held that a charge-sheet filed sans the chemical report is an incomplete charge-sheet. If such a charge-sheet is filed even within the statutorily prescribed period of 180 days (or the extended period of one year as the case may be) the accused person would be entitled to statutory bail upon expiry of 180 days (or the extended period of one year as the case may be). Such right of the accused to obtain statutory bail shall survive till the chemical report is filed before the learned Trial Court either by way of supplementary charge sheet or otherwise. If prior to filing of the chemical report the accused person exercises his right to obtain default bail, subsequent filing of the chemical report cannot adversely affect such right.

17. In the present case, it is not in dispute that the chemical report was filed on October 3, 2024. In the meantime, on September 5, 2024, the petitioner had applied to the learned Trial Court for bail. Such prayer was rejected. On September 12, 2024, (i.e., the 179th day after the petitioner's arrest), the petitioner affirmed the present bail application before the Oath Commissioner, Calcutta High Court and thereafter filed the same. Therefore,

we proceed on the basis that on the 181st day after the petitioner's arrest, there was no valid charge-sheet since the charge-sheet was filed without the chemical report. The question is, whether we should grant statutory bail to the petitioner treating this application as one for default bail.

18. Before I express my opinion on the aforesaid issue, I would like to note two judgments of the Hon'ble Supreme Court. The first one is the decision in the case of ***Rakesh Kumar Paul v. State of Assam reported at (2017) 15 SCC 67***. The issue in that case was whether pending investigation, the petitioner could be kept in custody for a maximum period of 60 days in terms of Clause (i) of proviso (a) to Section 167 (2) Cr. P.C. or for 90 days in terms of Clause (i) of proviso (a) to Section 167(2) Cr.P.C. without a charge-sheet being filed. In that case the petitioner was arrested on 05.11.2016. On 20.12.2016 (before expiry of 60 days), the petitioner applied for bail before the Special Judge dealing with cases relating to offences under the Prevention of Corruption Act, 1988 (in short 'the PC Act'). His application was rejected. On 11.01.2017 (after expiry of 60 days of detention but before expiry of 90 days of detention), the petitioner applied for bail before the Gauhati High Court. That application was rejected on 11.01.2017. The prayer in the application was for grant of 'regular bail' under Section 439 Cr.P.C.. One of the points urged by the State Counsel was that even assuming that the petitioner could be detained only for a maximum period of 60 days during investigation, upon expiry of that time period, he had not applied for "default bail".

19. While granting bail to the petitioner, the Hon'ble Supreme Court observed *inter alia* as follows:-

“28. We may also look at the entire issue not only from the narrow interpretational perspective but from the perspective of personal liberty. Ever since 1898, the legislative intent has been to conclude investigations within twenty-four hours. This intention has not changed for more than a century, as the marginal notes to Section 167 Cr.P.C. suggest. However, the Legislature has been pragmatic enough to appreciate that it is not always possible to complete investigations into an offence within twenty-four hours. Therefore initially, in 1898 Cr.P.C., a maximum period of 15 days was provided for completing the investigations. Unfortunately, this limit was being violated through the subterfuge of taking advantage of Section 344, 1898 Cr.P.C.. The misuse was recognised in the 41st Report of the Law Commission of India and consequently the Law Commission recommended fixing a maximum period of 60 days for completing investigations and that recommendation came to be enacted as the law in the 1973 Cr.P.C.. Subsequently, this period was also found to be insufficient for completing investigations into more serious offences and, as mentioned above, the period for completing investigations was bifurcated into 90 days for some offences and 60 days for the remaining offences.

29. Notwithstanding this, the basic legislative intent of completing investigations within twenty-four hours and also within an otherwise time-bound period remains unchanged, even though that period has been extended over the years. This is an indication

that in addition to giving adequate time to complete investigations, the Legislature has also and always put a premium on personal liberty and has always felt that it would be unfair to an accused to remain in custody for a prolonged or indefinite period. It is for this reason and also to hold the investigating agency accountable that time-limits have been laid down by the Legislature. There is a legislative appreciation of the fact that certain offences require more extensive and intensive investigations and, therefore, for those offences punishable with death or with imprisonment for life or a minimum sentence of imprisonment for a term not less than 10 years, a longer period is provided for completing investigations.

32. Even this Court had occasion to consider this issue and looked into several reports including those of the National Police Commission in ***Prakash Singh v. Union of India reported at (2006) 8 SCC 1***. In paras 20 and 21 of the decision, this Court noted that the Home Minister, all the Commissions and Committees have concluded that there is an urgent need for police reforms and that there is convergence of views on the need, inter alia, to separate investigation work from law and order. Such views and opinions over a prolonged period have prompted the Legislature for more than a century to ensure expeditious conclusion of investigations so that an accused person is not unnecessarily deprived of his or her personal liberty by remaining in prolonged custody for an offence that he or she might not even have committed. In our opinion, the entire debate before us must

also be looked at from the point of view of expeditious conclusion of investigations and from the angle of personal liberty and not from a purely dictionary or textual perspective as canvassed by learned Counsel for the State.

33. It was submitted by learned Counsel for the State that the charge-sheet having been filed against the petitioner on 24-1-2017 the indefeasible right of the petitioner to be now released on “default bail” gets extinguished and the petitioner must apply for regular bail.

34. What is forgotten is that the indefeasible right for “default bail” accrued to the petitioner when the period of 60 days for completing the investigation and filing a charge-sheet came to an end on 3-1-2017 or 4-1-2017 and that the indefeasible right continued till 24-1-2017. The question is whether during this interregnum the petitioner was entitled to “default bail” or not? Ordinarily, the answer would be “yes” but in the present case, the petitioner was not granted bail and a charge-sheet was filed against him on 24-1-2017. Was his indefeasible right completely taken away?

35. Our attention was drawn to the decision of the Constitution Bench in ***Sanjay Dutt v. State reported at (1994) 5 SCC 410***. In para 46 of the Report it was conceded by learned Counsel appearing for the accused that the indefeasible right is enforceable only up to the filing of a charge-sheet or challan and does not survive after the charge-sheet or challan is filed in the court against him. This submission was not refuted by but agreed to by

the learned Additional Solicitor General appearing for the State. The submission made by both the learned Counsel was based on an interpretation of the decision of this Court in ***Hitendra Vishnu Thakur v. State of Maharashtra reported at (1994) 4 SCC 602*** which was a case under the Terrorist and Disruptive Activities (Prevention) Act, 1987.

37. This Court had occasion to review the entire case law on the subject in ***Union of India v. Nirala Yadav reported at (2014) 9 SCC 457***. In that decision, reference was made to ***Uday Mohanlal Acharya v. State of Maharashtra reported at (2001) 5 SCC 453*** and the conclusions arrived at in that decision. We are concerned with Conclusion (3) which reads as follows:

“(3) On the expiry of the said period of 90 days or 60 days, as the case may be, an indefeasible right accrues in favour of the accused for being released on bail on account of default by the investigating agency in the completion of the investigation within the period prescribed and the accused is entitled to be released on bail, if he is prepared to and furnishes the bail as directed by the Magistrate.”

38. This Court also dealt with the decision rendered in ***Sanjay Dutt v. State reported at (1994) 5 SCC 410*** and noted that the principle laid down by the Constitution Bench is to the effect that if the charge-sheet is not filed and the right for “default bail” has ripened into the status of indefeasibility, it cannot be frustrated by the prosecution on any pretext. The accused can avail his liberty

by filing an application stating that the statutory period for filing the charge-sheet or challan has expired and the same has not yet been filed and therefore the indefeasible right has accrued in his or her favour and further the accused is prepared to furnish the bail bond.

39. This Court also noted that apart from the possibility of the prosecution frustrating the indefeasible right, there are occasions when even the court frustrates the indefeasible right. Reference was made to ***Mohd. Iqbal Madar Sheikh v. State of Maharashtra reported at (1996) 1 SCC 722***, wherein it was observed that some courts keep the application for “default bail” pending for some days so that in the meantime a charge-sheet is submitted. While such a practice both on the part of the prosecution as well as some courts must be very strongly and vehemently discouraged, we reiterate that no subterfuge should be resorted to, to defeat the indefeasible right of the accused for “default bail” during the interregnum when the statutory period for filing the charge-sheet or challan expires and the submission of the charge-sheet or challan in court.”

20. On the procedure for obtaining default bail, Hon’ble Supreme Court in paragraphs 40 to 41 of the judgment held as follows:-

“40. In the case of ***Rakesh Kumar Paul v. State of Assam reported at (2017) 15 SCC 67***, it was also argued by learned Counsel for the State that the petitioner did not apply for “default bail” on or after 4-1-2017 till 24-1-2017 on which date his

indefeasible right got extinguished on the filing of the charge-sheet. Strictly speaking, this is correct since the petitioner applied for regular bail on 11-1-2017 in the Gauhati High Court – he made no specific application for grant of “default bail”. However, the application for regular bail filed by the accused on 11-1-2017 did advert to the statutory period for filing a charge-sheet having expired and that perhaps no charge-sheet had in fact being filed. In any event, this issue was argued by learned Counsel for the petitioner in the High Court and it was considered but not accepted by the High Court. The High Court did not reject the submission on the ground of maintainability but on merits. Therefore it is not as if the petitioner did not make any application for default bail – such an application was definitely made (if not in writing) then at least orally before the High Court. In our opinion, in matters of personal liberty, we cannot and should not be too technical and must lean in favour of personal liberty. Consequently, whether the accused makes a written application for “default bail” or an oral application for “default bail” is of no consequence. The court concerned must deal with such an application by considering the statutory requirements, namely, whether the statutory period for filing a charge-sheet or challan has expired, whether the charge-sheet or challan has been filed and whether the accused is prepared to and does furnish bail.

41. We take this view keeping in mind that in matters of personal liberty and Article 21 of the Constitution, it is not always advisable

to be formalistic or technical. The history of the personal liberty jurisprudence of this Court and other constitutional courts includes petitions for a writ of habeas corpus and for other writs being entertained even on the basis of a letter addressed to the Chief Justice or the Court.”

21. Adverting to the duty of the Courts, the Hon’ble Supreme Court observed that the Hon’ble Apex Court and other Constitutional Courts observed that in matters concerning personal liberty and penal statutes, it is the obligation of the Court to inform the accused that he or she is entitled to free legal assistance as a matter of right. Adapting that principle, it would be the duty and responsibility of a court on coming to know that the accused person before it is entitled to “default bail”, to at least apprise him or her of the indefeasible right. A contrary view would diminish the respect for personal liberty.

22. The other decision I would like to refer to is that of the Hon’ble Supreme Court in the case of ***M. Ravindran v. Intelligence Officer, Directorate of Revenue Intelligence, Supra***. In this decision at paragraphs 17, 17.1 and 17.8 of the reported judgment the Hon’ble Supreme Court observed as follows:-

“17. Before we proceed to expand upon the parameters of the right to default bail under Section 167(2) as interpreted by various decisions of this Court, we find it pertinent to note the observations made by this Court in ***Uday Mohanlal Acharya v. State of Maharashtra reported at (2001) 5 SCC 453*** on the

fundamental right to personal liberty of the person and the effect of deprivation of the same as follows:

“13. ...Personal liberty is one of the cherished objects of the Indian Constitution and deprivation of the same can only be in accordance with law and in conformity with the provisions thereof, as stipulated under Article 21 of the Constitution. When the law provides that the Magistrate could authorise the detention of the accused in custody up to a maximum period as indicated in the proviso to sub-section (2) of Section 167, any further detention beyond the period without filing of a challan by the investigating agency would be a subterfuge and would not be in accordance with law and in conformity with the provisions of the Criminal Procedure Code, and as such, could be violative of Article 21 of the Constitution.”

17.1. Article 21 of the Constitution of India provides that “*no person shall be deprived of his life or personal liberty except according to procedure established by law*”. It has been settled by a Constitution Bench of this Court in ***Maneka Gandhi v. Union of India reported at (1978) 1 SCC 248***, that such a procedure cannot be arbitrary, unfair or unreasonable. The history of the enactment of Section 167(2) CrPC and the safeguard of “default bail” contained in the proviso thereto is intrinsically linked to Article 21 and is nothing but a legislative exposition of the constitutional safeguard that no person shall be detained except in accordance with rule of law.

17.8. We may also refer with benefit to the recent judgement of this Court in **S. Kasi v. State reported at 2020 SCC OnLine SC 529**, wherein it was observed that the indefeasible right to default bail under Section 167(2) is an integral part of the right to personal liberty under Article 21, and the said right to bail cannot be suspended even during a pandemic situation as is prevailing currently. It was emphasised that the right of the accused to be set at liberty takes precedence over the right of the State to carry on the investigation and submit a charge-sheet.”

23. In paragraph 17.7 of the judgment, the Hon’ble Court referred to the decision in **Rakesh Kumar Paul’s case, Supra** and observed that Section 167(2) Cr.P.C is integrally linked to the Constitutional commitment under Article 21 promising protection of life and personal liberty against unlawful and arbitrary detention and must be interpreted in a manner which serves this purpose. In the same paragraph, the Hon’ble Court observed that the Courts cannot adopt a rigid or formalistic approach whilst considering any issue that touches upon the rights contained in Article 21 of the Constitution.

24. In paragraph 18.10 of the reported judgment, the Hon’ble Court observed as follows:-

“18.10. We agree with the view expressed in **Rakesh Kumar Paul, Supra**, that as a cautionary measure, the learned Counsel for the accused as well as the Magistrate ought to inform the accused of the availability of the indefeasible right under Section 167(2) once it accrues to him, without any delay. This is especially where the

accused is from an underprivileged section of society and is unlikely to have access to information about his legal rights. Such knowledge sharing by Magistrates will thwart any dilatory tactics by the prosecution and also ensure that the obligations spelled out under Article 21 of the Constitution and the Statement of Objects and Reasons of the CrPC are upheld.”

25. Therefore, it is clear that in matters touching on personal liberty of a citizen, the Courts ought not to adopt a technical approach. Section 167 authorizes the Magistrate to whom an accused person is forwarded, to detain him for a maximum period of 90 days, where the investigation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than ten years; and for a maximum period of 60 days, where the investigation relates to any other offence. The proviso to Section 167(2) Cr.P.C. makes it clear that on the expiry of the said period of 90 days, or 60 days, as the case may be, the accused person **shall be released on bail** if he is prepared to and does furnish bail, and every person released on bail under this sub-section shall be deemed to be so released under the provisions of Chapter XXXIII for the purposes of that Chapter. This provision has been adapted *mutatis mutandis* by Section 36A(4) of the NDPS Act, 1985, which has been set out hereinbefore.

26. Hence if the period for completing the investigation in an NDPS Case involving commercial quantity of narcotics is not extended by the Special Court, the investigating agency is under a statutory mandate to complete the investigation within 180 days from the date of arrest of the accused person and file the charge-sheet or challan within the said period. If the

same is not done, the concerned Magistrate loses the authority to remand the accused persons. In other words, the Magistrate ceases to have the power to direct continuation of the accused person in custody.

27. In the present case, it is not in dispute that there was no extension of time for completion of the investigation against the petitioner. It is also not in dispute that a valid charge-sheet was not filed within the statutory period of 180 days from the date of the petitioner's arrest. On the 179th day, the petitioner filed an application in this Court. Admittedly the application was for regular bail and was not for default bail. In fact, the right to obtain default bail had not accrued in favour of the petitioner on the 179th day after his arrest.

28. However, during the pendency of the petition, on the 181st day after his arrest, the right to obtain statutory bail accrued in his favour. His application for bail was already pending on that date. I am of the view that the court, the petitioner's advocate as well as the advocate for the State were all under an obligation to apprise the petitioner that such a right had arisen in his favour and that if he was willing to furnish bail and in fact furnishes bail, he is entitled, as a matter of right, to be released from judicial custody. The same does not appear to have been done. Learned Trial Court also did not inform him of such right. The petitioner's offer to furnish bail was pending from the 179th day after his arrest. In matters of personal liberty one cannot be ritualistic and hyper-technical. I am of the view that this application should be treated as one for default bail and should be allowed. One must not lose sight of the fact that after expiry of 90 days or 60 days contemplated in Section 167 Cr.P.C, and after expiry of 180 days or one year

contemplated in Section 36A (4) of the NDPS Act, the Court loses the power, jurisdiction or authority to detain an accused in either police custody or judicial custody, if in the meantime a valid charge-sheet has not been filed by the investigating agency. Each moment of the accused person's detention after expiry of the time periods indicated above, becomes illegal, having no sanction of law.

29. The right to personal liberty that every citizen has, is probably the most valuable and important fundamental right after the right to life. Life without personal liberty is like a car without the engine, a bird without wings, legislation without justice. As Kahlil Gibran wrote in his novel "The Vision", "life without liberty is like a body without spirit" It there be any confusion in any matter touching the personal liberty of a person, the Court should lean in favour of a construction which protects such right rather than negates it.

30. I have noted while recording the observations of the Hon'ble Supreme Court in the two cases referred to above that default bail can be granted even on oral prayer and no written application need be made. If the Court is unable to take up an application for bail for whatever reason, and during pendency of the application a valid charge-sheet is filed, the same cannot adversely affect the indefeasible right that arose in favour of the accused person and which he has exercised by filing an application. I am inclined to treat this application as one for default bail and allow the application.

31. Accordingly, we direct that the petitioner, namely, **Rajiv Mondal @ Rajib**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two sureties of like amount each, one of whom must be local, to the

satisfaction of the Ld. Judge, Special Court (under N.D.P.S. Act) Barasat, North 24-Parganas subject to the condition that he shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall remain within the jurisdiction of the Bagdah Police Station excepting for the purpose of attending court proceedings and shall meet the Inspector-in-Charge/Officer-in-Charge of the Bagdah Police Station once in a fortnight, until further orders.

32. 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.

33. The application for bail is, accordingly, allowed.

34. All parties shall act in terms of server copy of the judgment downloaded from the official website of this Court.

I agree.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)