

19  
02-01-2025  
(ct. no.29)  
S. De  
(Allowed)

## CRM (NDPS) 1792 of 2024

**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 **Raninagar Police Station Case No. 560 of 2023 dated 17.10.2023 under Sections 21(c)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

**In the matter of : Rakesh Sekh @ Sk.**

.... Petitioner.

Mr. Soumyajit Das Mahapatra,  
Md. G.N. Imrohi,  
Mr. Madhurai Sinha,

... For the Petitioner.

Mr. Rana Mukherjee, Ld. APP,  
Mr. Nirupam Dhali,

... For the State.

### **Order dictated by Arijit Banerjee, J.**

1. The petitioner was arrested on October 17, 2023, allegedly for violation of the provisions of the N.D.P.S. Act, 1985. 180 days from the date of his arrest expired on April 15, 2024. The present application for bail was filed on November 13, 2024. The FSL report, we are told, has been filed today before the learned Trial Court.
2. In other words, the petitioner applied for bail prior to the FSL report being filed. A right of statutory bail accrued in his favour upon expiry of 180 days from the date of his arrest. He exercised such right by filing the present application. Although the prayer in this application refers to Section 439 Cr.P.C. We are inclined to treat this application as one for statutory bail.
3. In view of the aforesaid and in view of the decision of this Bench in the case of **Idul Mia [CRM (NDPS) 1359 of 2024]** reported in

**2024 SCC OnLine Cal 9109**, we allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Rakesh Sekh @ Sk** 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 not leave the jurisdiction of the Berhampore Police Station and shall meet the Officer-in-Charge of the concerned Police Station, once in a fortnight until further orders.
5. 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.
6. 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.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Apurba Sinha Ray, J.)**

**( Arijit Banerjee, J. )**