

25
02-01-2025
(ct. no.29)
S. De
(Rejected)

CRM (NDPS) 1804 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.

- A n d -

In the matter of : Animesh Halder @ Raja.

.... Petitioner.

Mr. S.S. Saha, ... For the Petitioner.

Mr. Madhusudan Sur, Ld. APP,
Ms. Jonaki Saha, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner was arrested on January 14, 2024, for allegedly violating provisions of the NDPS Act, 1985. Chargesheet dated July 6, 2024, without the FSL report, was filed before the learned Trial Court on July 12, 2024, i.e. within the 180 days statutory period. On August 17, 2024, the petitioner made a prayer before the learned Trial Court, for discharging him from the case. On September 3, 2024, a prayer was made on behalf of the prosecution for permission to file the FSL report. Such prayer was allowed. On September 9, 2024, FSL report was filed with supplementary chargesheet. The report has tested for presence of narcotics in the samples seized from the petitioner.
2. The petitioner applied for bail on November 6, 2024, before the learned Trial Court. Such prayer was rejected. Hence, the present application before us.
3. The petitioner says that his prayer for discharge which was made prior to filing of the FSL report, should have been treated as his

prayer for statutory bail. We are unable to agree with such contention. Had the petitioner exercised his right to obtain statutory bail prior to filing of the FSL report with the supplementary chargesheet, then perhaps the petitioner would have been entitled to statutory bail. However, in the present case, that is not so.

4. In view of the aforesaid, we are not inclined to allow the petitioner's prayer for bail, at this stage.
5. CRM (NDPS) 1804 of 2024 is dismissed.
6. However, considering that the petitioner is in custody for about a year, we request the learned trial Court to expedite the trial to the extent possible and conclude the same on an early date.
7. Let this order be communicated by the parties to the learned Court below.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)