

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 1837 of 2024

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

And

In the matter of: - **Rahamat Sekh.**

...petitioner.

Mr. Arup Kumar Bhowmick

...for the petitioner.

Ms. Rituparna Ghosh,
Ms. Afreen Begum

.....for the State.

Dictated by Apurba Sinha Ray, J.

1. The learned advocate for the petitioner has submitted that at the time of submission of charge-sheet, the FSL report was not there and as such the charge-sheet submitted by the prosecution is an incomplete one. He is in custody for about one year and one month. Considering the period of detention as well as the incompleteness of the charge-sheet, he may be granted bail on any condition.
2. The learned advocate for the State vehemently opposes the prayer for bail. According to her, the charge-sheet was within 180 days and further the FSL report was also filed within 180 days of the arrest of the present petitioner. The other co-accused person is absconding and that is why the charge could

not be framed. The commercial quantity of contraband article was recovered from the house of the present petitioner. If the present petitioner is enlarged on bail, the prosecution may suffer.

3. We have found sufficient incriminating materials against the present petitioner and we have also found that substantial compliance was made at the time of filing charge-sheet. We have also found that the FSL report has also been filed within 180 days of the arrest of the present petitioner.
4. In view of the above and also in view of the restrictions under Section 37 of the NDPS Act, we are not inclined to enlarge the petitioner on bail, at this stage.
5. Accordingly, the bail petition is **dismissed**.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
7. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)