

CRM (NDPS) 1841 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Sagarpara Police Station** Case No. **133 of 2024** dated **09.04.2024** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Minarul Sk & Anr.

.... Petitioners.

Mr. Soumyajit Das Mahapatra,
Mr. G. N. Imrohi,

... For the Petitioners.

Mr. Saryati Datta,
Mr. S. Haque,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioners were arrested on April 9, 2024. Charge sheet was filed on the 180th day, i.e., on October 5, 2025, however, without the FSL report. On October 7, 2025, the petitioners applied for statutory bail before the learned Trial Court. Such application was dismissed. Hence, the present application.

2. Learned State Advocate candidly submits that the FSL report is still not available.

3. In view of the aforesaid, on the principle enunciated by this Bench in the case of Idul Mia in CRM (NDPS) 1359 of 2024, wherein reference was made to the case of **Rakesh Sha-vs.-State of West Bengal, reported at 2023 SCC Online Cal 2463**, the petitioners' prayer for default bail must be allowed.

4. Accordingly, we direct that the petitioners, namely, **Minarul Sk and Suman Sk**, shall be released on bail upon furnishing a bond of Rs. 25,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the

Learned Special Judge under the NDPS Act, Berhampore, Murshidabad subject to condition that they shall appear before the 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 petitioners while on bail shall not leave the jurisdiction of the concerned Police Station and shall meet the officer-in-charge of the concerned police station once every fortnight until further orders.

5. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this court.

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

7. 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.)