

43.
13-01-2025
(ct. no.29)
debajyoti
(allowed)

CRM (NDPS) 1898 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Raninagar Police Station Case No.290 of 2024 dated 22-05-2024 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Sofikul Islam Sk @ Safkul Islam Sokh
.... Petitioner.

Mr. Tapodip Gupta

... For the Petitioner.

Mr. Koushik Kundu,
Ms. Suruchi Saha

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he was arrested on May 22, 2024. Charge sheet was filed on November 16, 2024 without chemical report. Statutory period of 180 days expired on November 20, 2024. The petitioner applied for bail on November 21, 2024. The learned trial Court rejected his prayer. Hence, this application.

2. Learned State advocate tells us that the chemical report has been filed before the learned trial Court by way of a supplementary charge sheet dated January 07, 2025.

3. We, therefore, see that the petitioner exercised his right to obtain statutory bail upon expiry of 180 days from the date of his arrest on the ground that incomplete/invalid charge sheet was filed without being accompanied by chemical report. Going by the ratio in the decision of **Idul**

Mia Vs. The State of West Bengal reported in **2024 Supreme Court Cases Online Cal 9109**, we are constrained to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner, namely, **Sofikul Islam Sk @ Safkul Islam Sokh**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court under NDPS Act cum Additional District Judge, 2nd Court, Berhampore, Murshidabad. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in a week, until further orders.

5. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

6. The application for bail is, thus, disposed of.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. 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.)