

CRM (NDPS) 1914 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 **Lalgola Police Station** Case No. **239 of 2024** dated **01.04.2024** under Sections **21(C)/29** of the NDPS Act.

- A n d -

In the matter of : Salauddin @ Sumon @ Suman

.... Petitioner.

Mr. Soumyajit Das Mahapatra,
Mr. Somnath Adhikary,

... For the Petitioner.

Mr. Amita Gour,
Ms. S. Saha,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner was arrested on April 1, 2024. Charge sheet without the chemical report was filed on September 26, 2024, i.e., within 180 days. After expiry of 180 days, the petitioner applied for statutory bail before the learned Trial Court on the ground that the charge sheet filed was incomplete and invalid in the absence of the chemical report. The learned Trial Court having dismissed his application, the petitioner is before us by way of this application.

2. Learned State Advocate points out that the chemical report was sent to the learned Trial Court by the laboratory on November 11, 2024. A supplementary charge sheet was filed on November 13, 2024.

3. We, therefore, see that as on the date when the petitioner applied for statutory bail, the chemical report was not brought on record. Subsequent filing of the chemical report cannot negate the right to obtain statutory bail that accrued to the petitioner and which he exercised by approaching the learned Trial Court.

4. Hence, following the ratio enunciated by this Bench in the case of Idul Mia in CRM (NDPS) 1359 of 2024, **reported in 2024 SCC Online Cal 9109**, wherein reference was made to the case of **Rakesh Sha-vs.-State of West Bengal, reported at 2023 SCC Online Cal 2463**, the petitioner's prayer for default bail must be allowed.

5. Accordingly, we direct that the petitioner, namely, **Salauddin @ Sumon @ Suman**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, 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 he 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 petitioner 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.

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.

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

(**Arijit Banerjee, J.)**