

CRM (NDPS) 1948 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, in connection with **Sagarpara Police Station Case No. 14 of 2024 dated 13.01.2024 under Section 21(C)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Ujjal Sarkar.

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Dhanasree Biswas,
Ms. Poulami Bose,

... For the Petitioner.

Ms. Shreyoshi Biswas,
Ms. Suchismita Dutta,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner was arrested on January 13, 2024. Chargesheet without the FSL report was filed on June 30, 2024. 180 days from the date of the petitioner's arrest expired on July 13, 2024. The petitioner prayed for default bail before the learned Trial Court on November 28, 2024. His prayer having been rejected, he is before us.
2. While opposing the prayer for bail, learned State advocate, in her usual fairness, tells us that the FSL report is still not available.
3. In that view of the matter and going by the ratio of our decision in the case of **Idul Mia** reported in **(2024) SCC OnLine Cal 9109**, the petitioner is entitled to default bail.
4. Accordingly, we direct that the petitioner, namely, **Ujjal Sarkar** shall be released on bail upon furnishing a bond of Rs. 25,000/ with two sureties of Rs.12,500/- each, one of whom must be

local, to the satisfaction of the Learned Judge, Special Court (under the NDPS Act), Berhampore, Murshidabad subject to the condition that the petitioner while on bail shall remain within the jurisdiction of the concerned police station and shall meet the Officer-in-Charge/Inspector-in-Charge of the concerned Police Station, once in a fortnight until further orders.

5. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
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 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.)