

CRM (NDPS) 1951 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 **Kaliachak Police Station** Case No. **756 of 2024** dated **28.05.2024** under Sections **21(c)/25/27A/29** of the NDPS Act.

- A n d -

In the matter of : Samim Akhtar

.... Petitioner.

Mr. Wasim Akram,
Mr. S. Parveen,

... For the Petitioner.

Mr. Madhusudan Sur,
Mr. Rahul Ganguly,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner was arrested on May 28, 2024. Charge sheet was filed on November 21, 2024, within the statutory period of 180 days, but without the chemical report. 180 days from the date of arrest of the petitioner expired on November 24, 2024. The petitioner's prayer for statutory bail was rejected by the learned Trial Court on November 25, 2024. Hence, this application.

2. Learned State Advocate says that the chemical report was filed along with supplementary charge sheet before the learned Trial Court on December 6, 2024.

3. In view of the above factual scenario, the ratio of the decision in the case of Idul Mia in CRM (NDPS) 1359 of 2024, **reported in 2024 SCC Online Cal 9109**, shall squarely apply. The original charge sheet was filed without the chemical report. Therefore, upon expiry of 180 days from the petitioner's arrest, he became entitled to statutory bail. He exercised such right by approaching the learned Trial Court. The learned Trial Court having been dismissed this application, he is before us.

4. Subsequent filing of supplementary charge sheet along with chemical report cannot adversely affect the petitioner's right to obtain statutory bail that already accrued in his favour.

5. Accordingly, we direct that the petitioner, namely, **Samim Akhtar**, 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, Malda 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.)**