

19
28-01-2025
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 1961 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 **Raninagar Police Station Case No. 255 of 2024 dated 28.04.2024 under Sections 21(c)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

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In the matter of : Jahangir Alam.

.... Petitioner.

Mr. Hamidur Rahaman

... For the Petitioner.

Mr. Ranadeb Sengupta,

Mr. Mainak Gupta,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner was arrested on April 28, 2024, in connection with an N.D.P.S. case. Chargesheet was filed on October 16, 2024, within the statutory period of 180 days, but without the FSL report. 180 days from the date of the petitioner's arrest expired on October 25, 2024. The petitioner applied for statutory bail before the learned Trial Court on November 6, 2024, on the ground that incomplete chargesheet without chemical report had been filed. By an order of the same date, learned Trial Court rejected the petitioner's prayer for statutory bail. Hence, this application.
2. Learned State counsel files a report. Let the same be kept with the records. From the report we find that at least till December 16, 2024, FSL report was not available.
3. Therefore, in the facts and circumstances of the case, the ratio of the decision in the case of of **Idul Mia** reported in **2024 SCC OnLine Cal 9109** would squarely apply. A right to obtain

statutory bail accrued in favour of the petitioner upon expiry of 180 days from the date of his arrest since the chargesheet that had been filed prior thereto was not a chargesheet within the meaning of Section 173 of the Code of Criminal Procedure/Section 193 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The learned Trial Court ought to have allowed the petitioner's prayer for statutory bail.

4. We, therefore, allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Jahangir Alam** 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 shall remain within the jurisdiction of the Berhampore Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge of the Berhampore Police Station, once in a fortnight until further orders.
6. 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.
7. 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.
8. The application for bail is, accordingly, allowed.

9. 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.)