

CRM (NDPS) 2010 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 **Raghunathnathganj Police Station** Case No. **572 of 2024** dated **30.05.2024** under Sections **20(b)(ii)(c)/29** of the NDPS Act.

- A n d -

In the matter of : Ishara Khan @ Isarak

.... Petitioner.

Mr. Joy Chakraborty,
Mr. Sandip Dinda,

... For the Petitioner.

Mrs. Faria Hossain,
Ms. S. Saha,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner was arrested on May 30, 2024. The charge sheet without the chemical report was filed on July 26, 2024. 180 days from the date of the petitioner's arrest expired on November 26, 2024. He applied for bail on November 14, 2024. Such prayer for bail was rejected by the learned Trial Court. He has now approached us for statutory bail contending that the chemical report is still not available.

2. Learned State Advocate, in her usual fairness, tells us that till date the chemical report has not been filed before the learned Trial Court.

3. Therefore, going by the ratio in the case of Idul Mia in CRM (NDPS) 1359 of 2024, **reported in 2024 SCC Online Cal 9109**, the petitioner is entitled to default bail.

4. Accordingly, we direct that the petitioner, namely, **Ishara Khan @ Isarak**, 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 Berhampore Police Station and shall meet the I.C. of the concerned police station once every week until further orders.

5. 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.

6. The application for bail is, accordingly, allowed.

7. 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.)