

**IN THE HIGH COURT AT CALCUTTA
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE**

22.04.2025
(ct. no.03)
24
BR

CRM (NDPS) 143 of 2025

In Re : An application for bail under Section 483 of the
Bharatiya Nagarik Suraksha Sanhita, 2023.

And

In the matter of : Runa Devi

.... Petitioner.

Mr. Biswarup Roy,
Ms. Supriya Debnath

... For the Petitioner

Mr. Nilay Chakraborty,
Mr. Sourav Ganguly

... for the State.

1. The prayer for bail in the present case arises out of an order dated 17.03.2025 passed by the learned Additional Sessions Judge Court, Special Court (under NDPS Act) 1st Court at Jalpaiguri in connection with NDPS Case No. 61 of 2024 arising out of New Jalpaiguri GRPS Case No. 76 of 2024 dated 25.9.2024 under Section 8(c)/20 (b) (ii) (c)/29 of the Narcotic Drugs and Psychotropic Substances Act.
2. The prosecution case in short is that on 25.10.2024 the petitioner was apprehended with 23.020 kgs. of ganja along with two other women passengers on Kanchenjunga Express (train). Search, seizure and arrest was done/made by the arresting officer.
3. Charge sheet in the present case has been filed within the statutory period on 28.02.2025 but without the

chemical examination report. It appears that the present petitioner is in custody for more than 205 days.

4. A prayer for submitting supplementary charge sheet on receiving the FSL report was made by the Investigating Officer while submitting the charge sheet on 28.02.2025.
5. Relying upon the judgment of the larger Bench of Calcutta High Court passed in **Subhas Yadav versus State of West Bengal and others reported in 2023 SCC Online Calcutta 2012** this Court finds that though the charge sheet has been filed prior to expiry of the statutory period, the same was without FSL report.
6. It further appears that the learned Public Prosecutor has also not made out any case as envisaged in Para 30 (5) or (6) of **Subhas Yadav (supra)**.
7. Learned counsel for the petitioner has relied upon the judgment of a Co-ordinate Bench passed in **Idul Miah Versus State reported in 2024 SCC Online Cal 9109** wherein the Court held as follows:-

“In view of the undisputed fact that in the present case the charge sheet, although filed within the period for 180 days, was not accompanied by the FSL report, and that the FSL report was filed as part of a supplementary charge sheet filed beyond 180 days from the date of arrest of the petitioner and after he applied for statutory bail, we have to hold that upon expiry of 180 days, the petitioner became entitled to statutory bail/default bail, and the learned trial Court erred in not extending that privilege to the petitioner.”

8. In the present case though charge sheet was filed within the period of 180 days without FSL report, no supplementary charge sheet along with any FSL report has been filed till date. Even after expiry of 205 days, the prosecution has not been able to enlighten this Court as to when the Investigating Agency shall be ready with the FSL report.
9. Thus in view of the decision of the Calcutta High Court in ***Idul Miah (supra)*** and the guidelines of the Calcutta High Court (larger Bench) laid down in ***Subhas Yadav (supra)***, the petitioner **Runa Devi** be released on bail upon furnishing bond of Rs. 20,000/- with two sureties of like amount, **one of whom must be local** to the satisfaction of the learned Judge, Special Court, NDPS Act, Jalpaiguri, subject to the condition that the petitioner shall appear before the learned Trial Court on each and every date of hearing unless exempted and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not to leave the jurisdiction of District Jalpaiguri (being a resident of Bihar, and case pending at Jalpaiguri) without prior permission of the learned trial Judge, until further orders.
10. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned trial Court shall proceed in

accordance with law without further reference to this Court.

- 11. The application for bail being CRM (NDPS) 143 of 2025 is accordingly disposed of.**
- 12.** All connected Application stand disposed of.
- 13.** Interim order if any stands vacated.
- 14.** Copy of this Order be sent to the learned Trial Court for necessary compliance.
- 15.** Urgent certified website copy of this Order, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)