

JOCODE WB00683
C.R.(NDPS) 106 of 2023(CIS NO. 106 OF 2023)

Order No. 16, dated 04-06-2024

Accused person namely, **Karan Oraon** is produced before this Court and placed on dock.

Ld. Lawyer for the accused person and Ld. P.P. in charge are present on call.

One bail petition is filed by the Ld. Advocate on behalf of the accused person.

This bail petition is taken up for hearing.

Ld. Advocate submits that this accused person is innocent and has not committed any offence in this case. He further submits that the accused person is in J.C. since 195 days and the I.O. of this case has submitted charge-sheet without chemical examination report after 178 days of custody of the accused, and that the I.O. of this case could have filed petition for extension. He further submits that though there is no bar to file charge-sheet without chemical examination report, but at the same time the accused person is entitled for bail. In support of his prayer he refers observation of the Hon'ble High Court in CRM (NDPS) 552 of 2023, Circuit Bench at Jalpaiguri in Rakesh Sha vs. State of West Bengal. He prays for bail.

Ld. Spl. P.P. -in-charge raises strong objection.

Heard both sides.

Perused the bail petition and the case record.

The Hon'ble High Court has been pleased to observe in order dt. 25.08.2023 in reference to CRM (NDPS) 552 of 2023, Circuit Bench at Jalpaiguri in Rakesh Sha vs. State of West Bengal, that filing of charge-sheet without chemical examination report has no meaning, even after custody of the accused for 180 days.

It appears from the record that the accused person was arrested on 28.11.2023 and a charge-sheet without chemical examination report was submitted on 24.05.2024 with an undertaking to file supplementary charge-sheet with chemical examination report in near future after custody of the accused for 179 days. And it is now 190 days of judicial custody of the accused, but the I.O. has failed to file supplementary charge-sheet along with chemical examination report. Forget about filing of extension petition u/S. 36A(4) of the NDPS Act the I.O. has failed to submit charge-sheet with chemical examination report within statutory period of 180 days, in view of the observation of the Hon'ble High Court vide order dt. 25.08.2023 in reference to CRM (NDPS) 552 of 2023, Circuit Bench at Jalpaiguri in Rakesh Sha vs. State of West Bengal.

In view of the above observation of the Hon'ble High Court accused / petitioner **Karan Oraon** be released on furnishing cash security of **Rs. 25,000/- (Rupees Twenty Five Thousand)**, with a condition to appear before this Court on each and every date of proceeding of this case.

Send a copy of this order to the Ld. ACJM, Siliguri for information and taking necessary action.

Fix **18.06.2024** for appearance, if on bail / production and I.O.'s report.

Also send a copy of this order to the Commissioner, Siliguri Police Commissionerate, Siliguri for information.

D/C by me.

Sd/-
Judge, Special Court
NDPS Act, Siliguri

Sd/-
Judge, Special Court
NDPS Act, Siliguri