

Present: Sri Somnath Chakrabarti
NDPS 54/24 (R 54/24)
WBND010031942024
WB00619

Order No 17
Dated 10.12.2024

Record is put up today on the basis of the petition filed by the accused/petitioner namely **Sukdeb Bain @ Kalu**.

Ld. Advocate on behalf of the accused person Sukdeb Bain @ Kalu files a petition and prays for statutory bail under section 167(2) of Cr.P.C. corresponding section 187(2)(3) of BNSS.

Ld. Advocate for the petitioner at the time of hearing stated that the accused is detained in custody since 13-06-24 and he was arrested on 12-06-24 and the case has been started u/s 21(c) /29 of NDPS Act. As per section 167(2) of Cr.P.C. and section 187(2)(3) of BNSS statutory period is 181 days before filing a complete charge sheet and in view of the judgment passed by the Hon'ble High Court, Calcutta in CRM (NDPS)1359 of 2024 the accused person is entitled to get statutory bail.

Copy served upon the Ld. Spl. P.P. who leaves the matter to the discretion of the court.

Ld. Advocate also stated that the accused is innocent person and there is no chance of abscondance.

Ld. Advocate also relied upon the decisions reported in CRM (NDPS) 1359 of 2024 and prays for bail on the ground that FSL report has not been submitted along with charge sheet.

Heard both sides. I have gone through the decisions of the Hon'ble High Court. Considered. Perused the CD.

I have also gone through the CD of the present case. After perusing the same it appears that in the present case report of FSL has not been submitted through charge sheet and the charge sheet has been submitted on 30-11-2024 without chemical examination report and the accused is detained in custody for more than 180 days.

The Hon'ble High Court, in CRM (NDPS)1359 of 2024 specifically opined that if the FSL report is not filed with charge sheet beyond 180 days from the date of arrest of the petitioner, then the accused became entitled to statutory/default bail order upon expiry of 180 days.

Following the judicial discipline, this Court has no other alternative but to follow the said decisions as observed by the Hon'ble High Court in connection with CRM (NDPS) 1359 of 2024.

In view of the decision of the Hon'ble High Court, prayer for bail is allowed.

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Accordingly, accused Sukdeb Bain @ Kalu may find a bail of Rs. 30,000/- with two sureties of Rs. 15,000/- each, out whom one must be local surety, subject to the satisfaction of this Court, on condition to meet the IO once in a fortnight and not to leave the jurisdiction of the police station without informing IO until further orders and to attend the Court regularly.

CD be returned.

To for appearance.

Let a copy of this order be sent to the IO.

Dictated & Corrected by me.

Sd/- S. Chakrabarti

**Judge, Special Court, N.D.P.S. Act,
Nadia at Krishnagar**

Sd/- S. Chakrabarti

**Judge, Special Court, N.D.P.S. Act,
Nadia at Krishnagar**

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