

**SPL .NDPS Case No.03/2024**  
**CNR NO WBUD0100212-2024**  
**J.O CODE WB01460**

**Order No.24**  
**22.11.2024**

Record is put up on the petition filed on behalf of accused Nishikanta Roy.

One bail petition is filed on behalf of the accused person. Copy served.

Ld. Counsels of both sides are present.

Bail petition is moved.

Ld. Advocate for the accused person submits that the accused person has been falsely implicated of this case and the accused person was brought under arrest before the Court on 11.01.2024 and since then he is in custody till date. It is also submitted that CS has been submitted without CFSL report and till date no CFSL report has been submitted. It is further submitted that till date it is total 314 days since his arrest and thus it is beyond the statutory period, i.e., 180 days for the case involving recovery of alleged narcotic drugs of commercial quantity. Accordingly, he prays for bail on any conditions.

Ld. Spl. P.P. fairly submits that CS has been submitted in the meantime but no CFSL report is submitted till date.

Perused the case record.

On perusal of the case record it appears that accused was produced before this Court on 11.01.2024 and since then he is in custody. It also appears that CS has been submitted on 13.06.2024 and till date no chemical examination report is received in connection with the case and there is no prayer and/or order in terms of provision under Section 36A(4) of NDPS Act. It further appears that in the meantime total more than 300 days have been elapsed which is beyond the statutory period being 180 days in the instant case as the case involves recovery of 6000 bottles of suspected codeine based cough syrup of 100 ml each which is of commercial quantity. In the circumstances, I may not prejudice the indefeasible right accrued to the accused person.

On perusal of the case record and after hearing both sides in view of the aforesaid circumstances, I am of the opinion that the prayer for statutory bail may be considered and allowed.

In the circumstances, bail prayer of the accused person is considered and allowed.

Thus, the accused person namely, **Nishikanta Roy** may find interim bail of Rs. 20,000/-each with two sureties of Rs. 10,000/- each, one of whom must be local to the satisfaction of Learned C.J.M., Raiganj, Uttar Dinajpur, on condition that on being released on bail the accused person shall appear on each and every fixed date before this Court and shall not leave the jurisdiction of the local P.S. till disposal of this case and the accused person shall not tamper evidence or intimidate the witnesses in any manner whatsoever, i/d to J.C till **10.12.2024**.

**To-date (10.12.2024)** for production/appearance of the accused persons, if on bail and I.O.'s report.

Let a copy of this order be forwarded to the Learned C.J.M., Raiganj, Uttar Dinajpur for information and necessary action.

Judge, Spl. Court  
Raiganj, UttarDinajpur

Judge, Spl. Court  
Raiganj, Uttar Dinajpur