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C.R.M. (NDPS) 54 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with TR case no. 03 of 2024 arising out of Sankrail Police Station case no. 134 of 2024 dated 17.2.2024 under Sections 20(b)(ii)C/29 of the NDPS Act, 1985.

And

In the matter of : **Sangram Panda @ Shiba@ Shibu & Anr.**
.... Petitioners

Mr. Wasim Akram

...for the Petitioners

Ms. Amita Gaur, Sr. Govt. Adv.

Ms. Rituparna Saha

...for the State

It is submitted on behalf of the petitioners that they are in custody for about one year four months and that 130 kgs. of Ganja were allegedly recovered from the possession of the five accused persons out of which, three accused persons have already been granted bail on the ground that CFSL report could not be submitted within the stipulated period. He further submits that the present petitioners are almost on the same footing and as such, they may be released on bail on any terms and conditions.

Learned counsel for the State vehemently opposed the bail prayer and contended that the CFSL report was submitted before the court on 17th December, 2024 which is reflected from the court's seal on the report and the petitioners prayed for bail on 24th December, 2024 and as such, they are not on the same footing with the other accused persons who are on bail.

In reply, learned counsel for the petitioners submits that though the State is claiming that they have filed CFSL report on 17th December, 2024 but no such order was recorded by the court below showing that it was actually placed before the court on that date.

Having considered the facts and circumstances of the case and that commercial quantity of narcotic substances was allegedly recovered from the joint possession of five accused persons including the present petitioners and that the court's seal prima facie makes it clear that the CFSL report was submitted before the court on 17th December, 2024 and that admittedly, the petitioners made his prayer for bail on 24th December, 2024, I find that the present petitioners are not on the same footing with the other accused persons who are on bail and also considering the restrictions imposed in Section 37 of the NDPS Act which is applicable to the present petitioner, his prayer for bail is rejected.

Accordingly, CRM (NDPS) 54 of 2025 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)