

CRM (NDPS) 83 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Serampore Police Station** Case No. **399of 2023** dated **04.09.2023** under Sections 8(c)/**21(c)/25/29** of the NDPS Act.

- A n d -

In the matter of : Rakesh Kumar

.... Petitioner.

Mr. Joy Chakraborty,
Mr. Sandip Dinda,

... For the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. S. Saha,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner claims parity citing an order dated February 10, 2025, passed in CRM (NDPS) 2025 of 2024, whereby we had granted bail to a co-accused person by the name of Amaresh Kumar Das on the basis of the decision in the case of **Idul Mia-vs.-State of West Bengal**, reported in **2024 SCC Online Cal 9109**.

The petitioner says that he stands on the same footing as Amaresh Kumar Das. On the day he applied for statutory bail before the learned Trial Court, the chemical report had still not been brought on record. Therefore, his prayer for bail should have been allowed.

2. While opposing the bail prayer, learned State Advocate, in his usual fairness does not dispute that this petitioner is similarly circumstanced as Amaresh Kumar Das in so far as belated filing of FSL report is concerned. He says that the FSL report has been brought on record by way of supplementary charge sheet on November 27, 2024.

3. We see that the petitioner had approached the learned Trial Court on October 7, 2024 when the FSL report was still not on

record. Therefore, the charge sheet that had been filed was an incomplete one. Going by the ratio in the case of Idul Mia (supra), the petitioner should have been granted bail.

4. Hence on the ground of parity, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Rakesh Kumar**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under the NDPS Act, Hooghly subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the jurisdiction of the concerned police station and shall meet the I.C of the concerned police station once in a fortnight until further orders.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

7. The application for bail is, accordingly, allowed.

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Apurba Sinha Ray, J.**)

(**Arijit Banerjee, J.**)