

## **CRM (NDPS) 120 of 2025**

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Samserganj Police Station Case No. 136 of 2023** dated **06.05.2023** under Sections **21(c)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

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**In the matter of : Md. Faruk @ Faruk & Anr.** .... Petitioners.

Mr. Arnab Chatterjee,  
Mr. Anisur Rahaman, ... For the Petitioner.

Ms. Anasuya Sinha, Ld. APP,  
Mr. Debarshi Brahma, ... For the State.

### **Order dictated by Arijit Banerjee, J.**

1. The petitioners claim parity citing an order dated February 5, 2025, passed in CRM (NDPS) 1994 of 2024, whereby a co-accused person by the name of Akbar Sk. was enlarged on bail on the basis of the ratio of the decision in the case of **Idul Mia** reported in **2024 SCC Online CAL 9109**.

2. Learned advocate for the petitioners says that the petitioners stand on the same footing as Akbar Sk.

3. Learned State counsel, while opposing the prayer for bail, in her usual fairness, does not dispute that the petitioners herein are similarly circumstanced as Akbar Sk. in so far as belated filing of FSL report is concerned.

4. Hence, on the ground of parity, we allow these petitioners' application for bail.

5. Accordingly, we direct that the petitioners, namely, **Md. Faruk @ Faruk** and **Mohammad Bilal Uddin** shall be released on bail upon furnishing a bond of Rs. 25,000/ each with two sureties of

Rs.12,500/- each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court (under the NDPS Act), Berhampore, Murshidabad, subject to the condition that the petitioners shall remain within the jurisdiction of the Berhampore Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge of the Berhampore Police Station, once in a week until further orders.

6. The petitioners shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

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

9. 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. )**