

26.02.2025
Item no. 38.
Court No.29.
AB
(Allowed)

CRM (NDPS) 140 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Farakka Police Station Case No.142 of 2024 Dated 15.04.2024 under Section 20(b)/21(c) of the NDPS Act

And

In the matter of : Sushil Kundu Petitioner.

Mr. Tapodip Gupta for the Petitioner.

Mr. Joydeep Roy,
Mr. Tirthankar Dhali for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated January 2, 2025, passed in CRM (NDPS) 1874 of 2024, whereby we had enlarged a co-accused person by the name of Sadhan Roy on interim bail on the basis of the ratio of the decision in the case of **Idul Mia** reported in **2024 SCC Online CAL 9109** since a charge sheet without the chemical report had been filed. Subsequently, the order of interim bail was confirmed.
2. The petitioner says that he stands on the same footing as he was taken into custody on the same day along with Sadhan Roy.
3. Learned State Advocate, while opposing the prayer for bail, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as Sadhan Roy insofar as the belated filing of chemical report is concerned.

4. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **SUSHIL KUNDU** shall be released on bail upon furnishing a bond of Rs.25,000/-, 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 at Berhampore, Murshidabad, and on further conditions that he shall remain within the jurisdiction of the concerned Police Station and shall meet the Officer in Charge of the concerned Police Station once in a fortnight until further orders.
6. The petitioner 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 and/or commit any cognizable offence in any manner whatsoever.
7. 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.
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.)

