

CRM (NDPS) 221 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 **Sankrail Police Station Case No. 483 of 2024** dated **05.07.2024** under Sections **20(b)(ii)(C)** of the Narcotic Drugs & Psychotropic Substances Act 1985.

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In the matter of : Joyenta Kundu @ Joyanta Kundu.

.... Petitioner.

Mr. Ashok Das,
Mr. Sourav Mukherjee,
Ms. Hasi Jana, ... For the Petitioner.

Mrs. Rituparna De Ghose,
Mr. Debadrita Mondal, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The State filed a status report. Let the same be kept with the records.
2. The petitioner claims parity citing an order dated February 18, 2025, passed by a Co-ordinate Bench in CRM (NDPS) 107 of 2025 whereby a co-accused person by the name of Rajib Saha 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**. He says that he stands on the same footing.
3. Learned State advocate opposes the prayer for bail.
4. However, we find that this petitioner is similarly circumstanced as the said Rajib Saha in so far as the belated filing of FSL report is concerned.
5. Hence, on the ground of parity, we allow this application.
6. Accordingly, we direct that the petitioner, namely, **Joyenta Kundu @ Joyanta 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), Howrah and on further condition that the petitioner shall not leave the jurisdiction of the concerned Police Station and shall report to the Inspector-in-Charge of the concerned Police Station, once in a week until further orders.

7. 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 in any manner whatsoever.

8. 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.

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

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

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)