

10.7.2025

akb

Sl. 23

Ct.29

Rejected

CRM (NDPS) No. 499 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 and/or Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with the Sankrail Police Station Case No. 483 of 2024 dated 05.7.2024 corresponding to T.R. Case No. 09 of 2024 under Section 20(b)(ii)(c) of the NDPS Act, 1985.

And

In re: Mitali Chanda

... petitioner

Mr. Sk Toslim Ali

Ms. Rituparna hadra

...for the petitioner

Mr. Bibaswan Bhattacharya

Mr. Prakash Mishra

...for the State

Mr. Ski Toslim Ali, learned Counsel appearing on behalf of the petitioner submits that 30 kgs. of Ganja was allegedly recovered from the possession of three accused persons out of which this Court has granted bail to the other two accused persons and the present petitioner is almost on the same footing. He further submits that she is in custody since 5th July, 2024, for about one year and that the charge was framed on 5th July, 2025 but the recording of evidence has not yet been started and as such she may be released on bail on any terms and conditions.

Learned Counsel appearing on behalf of the State submits that this Court granted bail earlier to two other accused person relying upon the decision of **Idul Mia** case **(C.R.M. (NDPS) 1359 of 2024)** reported in **(2024) SCC OnLine Cal. 9109)** which is no longer a good law as laid down by a Division Bench of this Court and as such petitioner is not on the same footing with that of the other two accused persons, who are on bail. The State therefore opposed the bail prayer in view of the fact that commercial quantity of narcotic substance was recovered from the possession of the petitioner.

Having heard learned Counsel appearing on behalf of the petitioner and the State and that the commercial quantity of contraband substance was recovered from the possession of the petitioner and the present petitioner is not on the same footing with that of the other two accused persons who were released on bail relying upon the decision of ***Idul Mia (Supra)***, the prayer for bail of the petitioner is considered and rejected.

The application, being CRM (NDPS) 499 of 2025 is accordingly disposed of.

(Dr. Ajoy Kumar Mukherjee, J.)