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C.R.M. (NDPS) 576 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 45 of 2024 arising out of Raghunathganj Police Station case no. 572 of 2024 dated 30.5.2024 under Sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Sushanta Mondal @ Susanta Mondal**
.... Petitioner

Mr. Arnab Chatterjee ...for the Petitioner

Ms. Faria Hossain, Ld. APP
Ms. Jonaki Saha ...for the State

Report submitted by the State is taken on record.

Petitioner submits that nothing was recovered from the possession of the petitioner and he has been arrested on the basis of the co-accused statement and that he is in custody for about 98 days and the prosecution submitted charge-sheet on 26th July, 2024. He further submits that two other accused persons from whom the recovery was made, has already been granted bail on the ground that the chemical examination report was not filed along with the charge-sheet and reliance was placed upon the judgment of **Idul Mia in CRM (NDPS) 1359 of 2024** reported in **2024 SCC Online Cal 9109**. In such circumstances, the petitioner is almost on the same footing and he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the prayer for bail contending that the present petitioner is not on the same

footing in view of the fact that the judgment passed in **Idul Mia** is no longer a good law in view of the judgment passed in **Ananta Burman's case** reported in **(2025) SCC Online Cal 3942**). He further submits that the CDR discloses that the petitioner had made continuous communication with the driver of the vehicle wherefrom the contraband goods were recovered and that the petitioner was absconding since 30th May, 2024 and after issuance of warrant, he could be arrested after about one year and as such, if he is released on bail, there is serious chance of his absconsion.

Having considered the submissions made on behalf of both the parties and the materials placed before me and also considering the previous conduct of the petitioner, the prayer for bail made by the petitioner is rejected.

Accordingly, CRM (NDPS) 576 of 2025 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)