

67.
10-02-2025
(ct. no.29)
(allowed)
debajyoti

CRM (NDPS) 2025 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Serampore Police Station Case No.399 of 2023 dated 04-09-2023 under Sections 8(C)/21(C)/25/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Amaresh Kumar Das

.... Petitioner.

Ms. Jeenia Rudra,
Mr. Joy Chakraborty,
Ms. Sangita Halder

... For the Petitioner.

Mr. Bitasok Banerjee,
Mr. Dipankar Mahata

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated December 16, 2024 passed by us in CRM (NDPS) 1731 of 2024 whereby we had granted interim bail to a co-accused person by the name of Mutahar Rahaman on the basis of the decision in the case of ***Idul Mia Vs. State of West Bengal*** reported at ***2024 Supreme Court Cases Online Cal 9109***. Basically, interim bail was granted since the charge sheet was filed without the FSL report and before the FSL report was filed before the learned trial Court and after 180 days of the

petitioner's arrest, he had applied for bail before the learned trial Court.

2. The petitioner herein says that he stands on the same footing as Mutahar Rahaman whose interim bail was confirmed earlier today.

3. While opposing the prayer for bail, learned State advocate does not dispute that this petitioner is similarly circumstanced as the aforesaid Mutahar Rahaman insofar as the belated filing of FSL report is concerned. He also very fairly admits that the ratio of the decision in the case of **Idul Mia** (supra) would apply here also.

4. Hence, we are inclined to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Amaresh Kumar Das**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of Rs.12,500/- each, one of whom must be local, to the satisfaction of learned Additional Sessions Judge-cum-Judge, Special Court, Hooghly. The petitioner shall appear before the learned trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and/or commit any cognizable offence in any manner whatsoever. The petitioner shall not leave the jurisdiction of the local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in a fortnight, until further orders.

6. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at

liberty to cancel the bail in accordance with law without further reference to this Court.

7. The application for bail is, thus, **allowed**.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)