

04
13-02-2025
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 4 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 **Serampore Police Station Case No. 399 of 2023 dated 04.09.2023 under Sections 8(c)/21/25/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Shadab Khan.

.... Petitioner.

Mr. Anshuman Chakraborty,
Mr. Zahid Abedin,
Mr. Anjabi Khan,

... For the Petitioner.

Mr. Madhusudan Sur, Ld. APP,
Mr. Amanul Islam, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated February 10, 2025, passed by us in CRM (NDPS) 2025 of 2024, whereby we had granted interim bail to a co-accused person by the name of Amaresh Kumar Das 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**. Interim bail was granted since the chargesheet was filed without the FSL report and before the FSL report was filed before the learned Trial Court and after 180 days of that petitioner's arrest, he had applied for bail before the learned Trial Court. This petitioner says that he stands on the same footing as Amaresh Kumar Das.
2. While opposing the prayer for bail, learned State advocate, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as the said Amaresh Kumar Das in so far as belated filing of the 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.

3. Hence, we are inclined to allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Shadab Khan** 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), Hooghly, subject to the condition that the petitioner shall not leave the jurisdiction of the Serampore Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge of the Serampore Police Station, once in a fortnight until further orders.
5. 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.
6. 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 interim bail in accordance with law without further reference to this court.
7. The application for bail is, thus, allowed.
8. 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.)