

CRM (NDPS) 10 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.

- A n d -

In the matter of : Asim Sk. Petitioner.

Mr. Wasim Akram, ... For the Petitioner.

Mr. Rana Mukherjee, Ld. APP,
Mr. Sujoy Sarkar, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated January 21, 2025, passed by us in CRM (NDPS) 1951 of 2024, whereby we had granted statutory bail to a co-accused person by the name of Samim Akhtar, on the basis of the ratio of the decision in the case of ***Idul Mia Vs. State of West Bengal*** reported at **2024 Supreme Court Cases Online Cal 9109**.
2. The petitioner says that he stands on the same footing as Samim Akhtar.
3. Learned APP tells us that the petitioner is not similarly circumstanced as the said Samim Akhtar. Samim Akhtar had applied for default bail after expiry of 180 days from the date of his arrest and before the FSL report was brought on record by way of supplementary chargesheet before the learned Trial Court. However, this petitioner applied for default bail after the supplementary chargesheet was filed along with FSL report and cognizance was taken by the learned Trial Court.
4. We agree with learned APP. The petitioner's right to obtain default bail stood extinguished as soon as the supplementary

chargesheet along with the FSL report was filed before the learned Trial Court.

5. The petitioner is not entitled to default bail in the facts and circumstances of this case.
6. CRM (NDPS) 10 of 2025 is dismissed.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)