

13.
13-02-2025
(ct. no.29)
(allowed)
debajyoti

CRM (NDPS) 17 of 2025

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 Raninagar Police Station Case No.560 of 2023 dated 17-10-2023 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

**In the matter of : Rofikul Mondal @ Palash Mondal @
Rafikul Mondal
.... Petitioner.**

Mr. Arnab Chatterjee,
Mr. Anisur Rahaman

... For the Petitioner.

Mr. Avishek Sinha,
Ms. Jonaki Saha

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated January 02, 2025 passed in CRM (NDPS) 1792 of 2024 whereby a co-accused person by the name of Rakesh Sekh @ Sk. was granted bail by this Bench 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***. The petitioner says that he is similarly circumstanced.

2. While opposing the prayer for bail, learned State advocate, in his usual fairness, does not dispute that insofar as the belated filing of FSL report by way of supplementary charge sheet is concerned, this petitioner stands on the same footing as the aforesaid Rakesh Sekh @ Sk.

3. Accordingly, we direct that the petitioner, namely, **Rofikul Mondal @ Palash Mondal @ Rafikul Mondal**, 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 District and Sessions Judge, 2nd Court cum Judge, Special Court under NDPS Act, Berhampore, Murshidabad. 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 Berhampore Police Station except for the purpose of attending the court proceedings and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in a fortnight, until further orders.

4. 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.

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

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

7. 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.)