

16.
13-02-2025
(ct. no.29)
(allowed)
debajyoti

CRM (NDPS) 20 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 Sankrail Police Station Case No.134 of 2024 dated 17-02-2024 under Sections 20(b)(ii)C/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Salman Molla & Anr.

.... Petitioners.

Mr. Md. Wasim Akram,
Ms. Sabrin Parveen,
Ms. Reshmi Khatun

... For the Petitioners.

Mr. Suman De,
Mr. Santanu Talukdar

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioners claim parity citing an order dated December 16, 2024 passed in CRM (NDPS) 1739 of 2024, whereby we had granted bail to a co-accused person by the name of Binod Kumar Shaw @ Vinod @ Raki. We had granted bail to him on the basis of the ratio of the decision in the case of ***Rakesh Sha Vs. State of West Bengal*** reported at **2023 SCC Online 2463** and ***Idul Mia Vs. State of West Bengal*** reported at **2024 Supreme Court Cases Online Cal 9109**, inasmuch as that the petitioner had applied for default bail after expiry of 180 days from his arrest and before filing of FSL report by way of supplementary charge sheet. The

petitioners say that they stand on the same footing as Binod Kumar Shaw @ Vinod @ Raki.

2. While opposing the prayer for bail, learned State advocate tells us that supplementary charge sheet was filed on December 16, 2024 along with the FSL report.

3. We, therefore, find that prior to filing of the FSL report before the learned trial Court, the petitioners had applied for default bail on August 16, 2024. Hence, they are entitled to statutory bail on the basis of the ratio of the decision in ***Idul Mia*** (supra).

4. Accordingly, we direct that the petitioners, namely, **Salman Molla** and **Gora Khan**, shall be released on bail upon furnishing bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties of Rs.12,500/- each, one of whom must be local, to the satisfaction of learned Judge, Special Court under NDPS Act cum Additional Sessions Judge, 3rd Court, Howrah. The petitioners 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 petitioners shall remain within the jurisdiction of Howrah Police Station except for the purpose of attending the court proceedings and shall report to the Officer-in-Charge/Inspector-in-Charge of Howrah Police Station once in a fortnight, until further orders. The petitioners shall, through their learned counsel, inform the learned trial Court, Sankrail Police Station and Howrah Police Station, their current local address at Howrah where they shall be residing while on bail.

5. In the event the petitioners fail 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.

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

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

8. 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.)