

30.07.2021

CRM 3440 of 2021

Court No. 28
Item No. PB - 29
nandy

(bail - allowed)

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 20.04.2021 in connection with Karaya Police Station Case No. 482 of 2019 dated NIL under Sections 20(b)(ii)(C) of the Narcotic Drugs & Psychotropic Substances Act. (NDPS Case No. 83 of 2019)

and

In the matter of: **Sachin Roy**

..... Petitioner

Mr. Golam Nure Imrohi, Advocate

.....for the Petitioner

Mr. Sanjay Bardhan, Advocate

Ms. Manisha Sharma, Advocate

..... for the State

The petitioner has filed the instant application for bail in connection with Karaya Police Station Case No. 482 of 2019 dated NIL under Sections 20(b)(ii)(C) of the Narcotic Drugs & Psychotropic Substances Act.

The petitioner claims parity with one Rashida Begum who has already been granted bail by the Supreme Court in Special Leave Petition to Appeal (Crl.) No. 4847 of 2020 on December 10, 2020. Though a distinction is sought to be made by the learned Advocate for the State that the said Rashida Begum was granted statutory bail and, therefore, the petitioner cannot claim the same right but after perusing the order of the Supreme Court passed in the said Special Leave Petition, we do not find any finding that the said Rashida Begum was in fact, granted statutory bail.

It is undisputed that commercial quantity of contraband was recovered from the joint possession of the petitioner and Rashida Begum and two other persons. Therefore, the petitioner stand on the same footing that of the Rashida Begum and in view of the order of the Supreme Court, we do not think that any other decision can be taken in this regard.

As such, the prayer for bail is **allowed**.

Accordingly, the petitioner shall be released on bail on the following conditions:-

- i) The petitioner shall furnish a bond of Rs.10,000/-, with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the learned Sessions Judge, NDPS Court at Alipore;
- ii) The petitioner shall make himself available on each and every date so fixed by the trial Court;
- iii) The petitioner shall not tamper with the evidence and shall not intimidate the witnesses in any manner whatsoever;
- iv) Failure to attend the Court on a solitary day without any justifiable reason shall disentitle the petitioner the privilege of bail and the trial Court would be at liberty to cancel the bail without any reference to this Court.

The application being **CRM 3440 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)