

08.12.2021
tkm/ct 28
sl no. 83

C.R.M. 6192 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Serampore P.S Case no. 52 of 2020 dated 11.2.2020 under sections 20(b)(ii)(c) of the NDPS Act
And

Allowed

In Re : Tridip Ranjan Das alias Tipu & Anr. petitioners

Mr. T K Ghosh
Mr. T Chowdhury
..... for the petitioners
Mr. S Bardhan
Mr. P C Majhi
..... for the State

Petitioners are in custody for one year and ten months and it is submitted that petitioners stand on the same footing with co-accused Abhijit Majumder who has been enlarged on bail.

Learned lawyer for the State opposes the prayer for bail and submits that the narcotic was recovered from the joint possession of the principal accused Rahul Jaiswal and other accused persons including the petitioners.

We have considered materials on record. Seizure was made from the house and garage of one Rahul Jaiswal. FIR states that the petitioners and other accused persons including Abhijit Majumder were gossiping in the said house.

In view of the aforesaid facts, we are of the opinion whether the petitioners were casual visitors or were in joint possession of narcotic substance requires to be assessed in the course of trial. Moreover, we note co-accused Abhijit Majumder has been enlarged on bail and stands on the same footing with the petitioners.

Under such circumstances, we are inclined to extend the privilege to the petitioners on the principle of parity.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, Hooghly on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever. Petitioners shall remain within the jurisdiction of the concerned P.S and shall report to the officer in charge of the concerned P.S once in a fortnight until further orders.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM 6192 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)