

**CRM (NDPS) 36 of 2022**

**05.04.2022**  
Sl. 89  
Court No.29  
(sourav)  
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Lalgola** Police Station Case No. **698** of **2021** dated **17.09.2021** under Sections **21(c)/29** of the NDPS Act.

And

In the matter of: **Rabiul Islam @ Rabiul Sk @ Robiul Sk @ Robiul Islam**

....petitioner.

Mr. Tapodip Gupta,

...for the petitioner.

Mr. Tapandeb Nandy,  
Mr. Antarikhya Basu,

... for the State.

Petitioner prays for bail on the ground of parity with that of the other co-accused granted bail on April 4, 2022 in CRM (NDPS) 27 of 2022.

Learned advocate appearing for the State does not oppose the contention that the petitioner stands in the same footing as that of the other co-accused who were granted bail.

In the facts of the present case, a seizure of narcotics was made on a given date. According to the police, six persons were present. However, the seizure list notes only two persons. Four others who were arrested were not noted in the seizure list at all. In such context, one of the four persons who were not named in the seizure list was granted bail by this Hon'ble Court on April 4, 2022 in CRM (NDPS) 27 of 2022. The petitioner stands in the same footing as that of such other co-accused.

Consequently, considering the fact that no narcotic was shown to be recovered from the possession of the petitioner and considering the fact that the petitioner can justifiably claim parity with the other co-accused who was granted bail, we are of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we grant bail to the petitioner.

Accordingly, the petitioner be released on bail upon furnishing a Bond of Rs. 10,000/- 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, Berhampore, Murshidabad, subject to the condition that during bail he shall appear before the learned trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being CRM (NDPS) 36 of 2022 is, thus, disposed of.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**

