

CRM (NDPS) 455 of 2022

10.05.2022
Sl. 44
Court No.29
(sourav)
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with NDPS Case No. **N-76 of 2020** under Sections **9(A)/25A** and **29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Kadhir Ibrahim & Anr.**

....petitioners.

Mr. Manab Kumar Gupta

...for the petitioners.

Mr. Rajdeep Mazumder

Mr. Pritam Roy

... for the Narcotics Control Bureau.

Petitioners pray for bail.

Learned advocate appearing for the petitioners submits that the petitioners stand in the same footing as that of the other co-accused who was enlarged on bail by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No(s). 9236 of 2021 on March 29, 2022.

Learned advocate appearing for the Narcotics Control Bureau submits that so far as the petitioner no. 1 is concerned, he does not object to the claim for parity. So far as the petitioner no. 2 is concerned, such person who was in constant touch with the principal accused. He refers to the call details recording in this aspect.

The petitioners were arrested in respect of possessing controlled substance. The Hon'ble Supreme Court by the order dated March 29, 2022 enlarged one co-accused taking into consideration the period of detention of such petitioner and the fact that the substance is a controlled substance.

The petitioners before us, are in custody in excess of one and half years. The substance seized was a controlled substance. Nothing was recovered from the possession of the petitioner.

Consequently, the petitioners stand in the same footing as that of the other co-accused who was enlarged on bail by the Hon'ble Supreme Court.

Consequently, we grant bail to the petitioners.

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 Special Judge, (under NDPS Act), Barasat, North 24 Parganas subject to the condition that during bail the petitioners 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 petitioners fail 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) 455 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

