

12.06.2023

Sl. 30

Court No. 29

sdas

(Allowed)

C.R.M. (NDPS) 1105 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Jalangi** Police Station Case No. **270** of **2022** dated **22.08.2022** under Sections **20(b)(ii)(c)/29** of the NDPS Act.

And

In the matter of: **Rajjak Biswas**

....petitioner.

Mr. Jisan Hossain
Ms. Chandrima Debnath
Mr. Karnel Mondal

...for the petitioner.

Mr. Saryati Datta

...for the State.

1. Heard learned Counsel for the parties.
2. 21 kgs. 800 grams of Ganja is alleged to have been seized from one Moinul Mondal @ Sk. whose application for bail has been rejected by this Court vide order dated 31.03.2023 in CRM (NDPS) 604 of 2023.
3. Learned Counsel for the petitioner claims parity with Lalon Mondal who has been enlarged on bail vide order dated 17.01.2023 passed in CRM (NDPS) 65 of 2023 by a co-ordinate Bench of this Court.
4. Learned Counsel for the State submits that the case of the present petitioner is distinguishable from the case of Lalon Mondal, a co-accused, on the ground that the CDRs is indicative of one call between Lalon Mondal and Mainul Mondal @ Sk. during the relevant time, whereas 36 calls are there in between the present petitioner and the aforesaid Mainul Mondal @ Sk prior to the alleged recovery.
5. It is fairly submitted by the Bar, however, that the text and

context of the calls between the petitioner and the aforesaid co-accused is not on record. We leave CDRs to be assessed by the trial court at the time of trial.

6. Regard being had to such facts and submissions, factum of permanent residence of the petitioner and question of parity, it is directed that the petitioner shall be released on bail by the learned Judge, Special Court (NDPS Act) at Berhampore, Murshidabad, on such terms and conditions as deemed just and proper in the facts and circumstances of the case in connection with NDPS Case No. 187 of 2022 arising out of Jalangi Police Station Case No. 270 of 2022 dated 22.08.2022 including the condition that i) the petitioner shall appear before the Court on each date of substantive hearing subject to provision of Section 317 Cr.P.C.; ii) the petitioner shall not leave the jurisdiction of the Court without leave of the learned Trial Judge; iii) the petitioner shall not involve himself in similar offence during pendency of the proceeding.
7. Accordingly, the prayer for bail is allowed.
8. The application being **CRM (NDPS) 1105 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

