

01.11.2023
25.
Court no. 8
Sd/br

***In the High Court at Calcutta
Criminal Miscellaneous Jurisdiction
Appellate Side***

CRM (NDPS) 1796 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.10.2023 in connection with Ultadanga Excise Circle S.I.S.L No. 01/2021-2022,01/A of 2021-2022 and 01/B of 2021-2022 dated 01-09-2022 under Sections 20(b)(ii)(b) of the NDPS Act, 1985.

In the matter of : Sudhir Bhakta and Gopal Daspetitioners.

Mr. Joy Chakraborty
Mr. Sandip Dinda

...for the petitioner.

Mr. Swapan Banerjee
Mrs. Sonali Das

.....for the State.

1. Learned counsel for the petitioner contends that co-accused persons on same footing as the petitioners were granted bail earlier today.
2. It is further argued that different quantities of contraband substance were recovered from different co-accused including the petitioners on the relevant dates.
3. We find that earlier today, other co-accused persons standing on similar footing were granted bail in CRM(NDPS) 1787 of 2023. Although it is sought to be pointed out by the State that the petitioners stand on a different footing and that recovery was made on the same

date, and not on different dates, from the different persons, we are inclined to extend the benefit of bail to the petitioners, if not otherwise, on the ground of parity, since other co-accused persons on similar footing have been granted bail earlier today.

4. That apart, the argument that is seizures were made on the same day does not bring in a change of circumstances since the consideration in CRM (NDPS) 1787 of 2023 was that the seizures were made from different places at different points of time, even if on the same day.
4. Accordingly, CRM (NDPS) 1796 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners shall furnish bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore, South 24 Parganas.
5. Moreover, the petitioners shall not leave the territorial jurisdiction of the Trial Court without the leave of the jurisdictional court during the entire period of trial and shall attend each and every date of trial.
6. That apart, the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade

such person from disclosing such facts to any police officer or the court and not tamper with evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Partha Sarathi Chatterjee, J.)