

D/L. 45
February 3, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 5 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.01.2023 in connection with NDPS Case No. 10 of 2018 arising out of Alipurduar Police Station Case No. 118 of 2018 dated 18.03.2018 under Sections 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Nabi Husen @ Hussen @ Hossain @ Nabei Hossain
.... Petitioner

Mr. Joydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik

... for the petitioner

Mr. Nilay Chakraborty,
Mr. Arjun Chowdhury

... for the State

Learned counsel for the petitioner contends that a co-accused person standing on the similar footing as the petitioner has already been enlarged on bail.

Learned counsel for the State, while not controverting such submission with regard to the enlargement of a co-accused on bail, otherwise opposes the prayer for bail.

We find from the records that a co-accused person standing on the similar footing, namely, Nitai Barman @ Rahul was enlarged on bail vide order dated November 30, 2022 passed by a co-ordinate Bench in CRM (NDPS) 395 of 2022.

As such, on the ground of parity, we are inclined to grant bail to the petitioner.

Accordingly, CRM (NDPS) 5 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes 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), at Jalpaiguri.

The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.

The petitioner, further, shall not make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)