

D/L. 39
February 10, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 122 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.01.2023 arising out of Alipurduar Police Station Case No. 144 of 2018 dated 13.04.2022 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Rajesh Kundu @ Kauwa

.... Petitioner

Mr. Partha Pratim Sarkar,
Mr. Sandip Guha Roy

... for the petitioner

Mr. Nilay Chakraborty,
Mr. S. S. Sikdar

... for the State.

Learned counsel for the petitioner, by handing over a photocopy of the server copy of an order dated February 7, 2023 passed in CRM(NDPS) 61 of 2023, submits that a co-accused person standing on a similar footing as the petitioner has been enlarged on bail by the said order.

Learned counsel appearing for the State opposes the prayer for bail.

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

Accordingly, CRM (NDPS) 122 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 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.)