

AD-38
Ct No.01
Jalpaiguri
12.09.2023
B.Pal

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

CRM (NDPS) 607 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.08.2023 in connection with Kotwali Police Station Case No. 632 of 2021 dated 29.11.2021 under Sections 20(C) of the NDPS Act, 1985.

And

In the matter of: **KARAN DAS**

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Ms. Rikta Sarkar

... for the petitioners

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas

... for the State

1. Learned counsel for the petitioner submits that the petitioner is entitled to statutory bail. It is contended that the statutory period of 180 days of detention has expired but without any report being filed.
2. It is contended that one other co-accused person has already been released on bail. In so far as the previous rejection of the petitioner's prayer for bail is concerned, annexed at page 21 of the present petition, it is submitted that at that juncture, there was no order in favour of the co-accused with regard to statutory bail. It is pointed out by virtue of the annexure at page 18 of the present petition that on March 2,

2023, after refusal of bail to the petitioner, the co-accused was granted bail.

3. Learned counsel for the State strongly opposes the prayer for bail and argues that unless the petitioner himself applies for statutory bail, the said advantage cannot be granted to the petitioner at this stage.
4. We find from the records that although the petitioner himself might not have applied for statutory bail, the same circumstances which were available to the other co-accused are also applicable to the petitioner, entitling the petitioner to statutory bail. That apart, even on the principle of Article 14 of the Constitution of India, there is no reason why the same relief ought not to be extended to the petitioner, despite having been granted to the co-accused standing on the same footing with regard to the alleged offence.
5. In such view of the matter, we are inclined to grant bail to the petitioner.
6. CRM (NDPS) 607 of 2023 is thus allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish 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, 1st Court at Jalpaiguri.
7. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.

8. Further, the petitioner shall not, directly or indirectly, 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.)

(Uday Kumar, J.)