

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE JURISDICTION**

01.09.2023
Court No.01
Item No. 10
P.P./S.D.

CRM (NDPS) 687 of 2023

In Re:- An application for bail under section 439 of the
Code of Criminal Procedure;

And

In Re: Md. Idris Ali

...Petitioner

Mr. Subham Ghosh

Mr. Mayank Roy

....For the petitioner

Mr. Aditi Shankar Chakraborty, APP

Mr. Nilay Chakraborty

Mr. Kallol Nag

...For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Matigara Police Station Case No.621 of 2022 dated 27.05.2022 under Sections 21(c) of the NDPS Act, 1985.

Mr. Ghosh, learned Advocate appearing for the petitioner submits that out of the four co-accuseds, three of them have already been released on bail. The petitioner herein is the fourth accused. The case against the petitioner being Matigara Police Station Case No. 621 of 2022 was dated May 27, 2022. The petitioner was arrested on May 27, 2022 and has been languishing in jail since the said date.

Mr. Chakraborty, learned counsel appearing on behalf of the State submits that there are several incriminatory

documents against the petitioner and as such the prayer for bail should be rejected.

Considering the rival submissions of the parties and the materials placed on record, this Court finds that all other co-accused have been granted bail/anticipatory bail. Therefore, since the petitioner is placed similarly with the other co-accuseds, this Court grants bail to the petitioner.

We accordingly direct that the petitioner, namely, **Md. Idris Ali**, shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Special Judge, Special Court (NDPS Act) cum Additional Sessions Judge, 2nd Court, Siliguri.

It is further directed that the petitioner shall also make himself available on all the dates of the trial and is required not to leave the jurisdiction of the concerned Police Station without the leave of the authorities. The petitioner shall not induce the witnesses or influence them in any manner or tamper with the evidence.

It is made clear that in the event the conditions as stated above are not complied, without justifiable cause, the learned Court below would be at liberty to cancel the petitioner's bail without any further reference to this Court.

With the above observations and directions, the application for bail, being **C.R.M.(NDPS) 687 of 2023** is **disposed of**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)