

AD-20
Ct No.01
Jalpaiguri
21.09.2023
B.Pal

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

CRM (NDPS) 738 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.09.2023 in connection with Siliguri Police Station Case No. 673 of 2022 dated 13.07.2022 under Section 21(c) of the NDPS Act, 1985.

And

In the matter of: MD NASIB @ MD NASIR

...Petitioner

Mr. Supriya Debnath,

... for the petitioner

Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee

... for the State

1. Learned counsel for the petitioner submits that other co-accused persons on similar footing as the petitioner vis-à-vis the alleged offence have been enlarged on bail.
2. Learned counsel for the State opposes the prayer for bail and points out that on March 1, 2023, the previous application for bail of the petitioner had been refused by a coordinate Bench.
3. We find from the server copy of the orders handed over by learned counsel for the petitioner that on September 18, 2023,

that is, about six months after the previous refusal of bail to the petitioner, other co-accused on similar footing have been enlarged on bail. Accordingly, extending the benefit of Article 14 of the Constitution of India, we are inclined to grant bail to the petitioner as well.

4. Hence, CRM (NDPS) 738 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 Special Court under NDPS Act, at Siliguri.
5. 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.
6. 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.)