

AD-15
Ct No.01
Jalpaiguri
22.09.2023
SP

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

CRM (NDPS) 756 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.09.2023 in connection with NDPS Case No. 66 of 2021 arising out of **Dinhata** Police Station Case No. 312 of 2021 dated 13.06.2021 under Sections 21(b)(ii)(c)/29 of the NDPS Act, 1985.

And

In the matter of: BABU BALA

Mr. Subhankar Dutta
Mr. Somdutta Patra

... for the petitioner

Mr. Nilay Chakraborty

... for the State

1. Learned counsel for the petitioner submits that two other co-accused persons on similar footing as the petitioner have already been granted anticipatory bail. Insofar as the principal accused is concerned, he has also been enlarged on bail.
2. Further, it is indicated that no illegal substance was seized from the person of the petitioner.
3. Learned counsel for the State opposes the prayer for bail.
4. However, since other co-accused persons have been granted anticipatory bail and the principal has obtained accused bail, and since no recovery was made from the person of the

petitioner, on the ground of parity and the above circumstances, we are inclined to grant bail.

5. Accordingly, in view of the above circumstances, CRM (NDPS) 756 of 2023 is 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 Coochbehar.
6. 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.
7. 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.)