

05
11-06-2024
(ct. no.28)
KOLE
Allowed

CRM (NDPS) 843 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **NDPS** Case No. **03 of 2022 arising out of Andal GRPS Case No. 04 of 2022** dated **08.02.2022** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Mannan Ali

.... Petitioner.

Mr. Sk. Salim,

... For the Petitioner.

Mr. Sayanti Santra,

Ms. Mamata Jana,

... For the State.

The petitioner claims parity. He says that allegedly commercial quantity of contraband item was recovered from him and a co-accused person. The co-accused person has been granted bail by a coordinate Bench by an order dated May 7, 2024, passed in CRM (NDPS) 780 of 2024, primarily on the ground that a case of breach of fundamental right to speedy trial has been made out. In other words, on the ground of inordinate delay in progress of trial, bail has been granted opining that in such cases, Section 37 of the NDPS Act would not stand in the way.

Learned Advocate for the State says that admittedly commercial quantity of contraband item was recovered from the joint possession of the petitioner and the co-accused person. Trial is progressing. The prayer for bail should not be allowed.

We see that the petitioner and the co-accused person, who was granted bail as aforesaid, stand on the same footing. Hence, the petitioner is entitled to claim parity.

Accordingly, we direct that the petitioner, namely, **Mannan Ali**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court under the NDPS Act-cum-Additional Sessions Judge, 3rd Court, Asansol, Paschim Bardhaman and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Apurba Sinha Ray, J.**)

(**Arijit Banerjee, J.**)