

19.06.2024  
Sl. No.30  
akd  
[ALLOWED]

**C. R. M. (NDPS) 884 of 2024**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.05.2024 in connection with Raghunathganj Police Station Case No.549 of 2022 dated 01.07.2022 under Sections 21(c)/29 of the NDPS Act and Sections 182/465/468/471/475/120B of the Indian Penal Code. (NDPS Case No.162 of 2022)

And

In Re: **Masud Ali**

... .. Petitioner

Mr. Arnab Chatterjee  
Mr. Anisur Rahman

... .. for the petitioner

Mr. Jaydeep Biswas  
Ms. Suruchi Saha

... .. for the State

The petitioner says that he has been falsely implicated. He says that a co-accused person has been enlarged on bail by a coordinate Bench by order dated April 18, 2024 passed in CRM (NDPS) 652 of 2024. He stands on the same footing with that person being Abdul Aziz. The petitioner claims parity.

We have gone through the relevant records of the case.

Learned Advocate for the State in his usual fairness says that this petitioner is similarly circumstanced as the aforesaid Abdul Aziz.

In view of the aforesaid, the petitioner is entitled to claim parity and we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely **Masud 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 District & Sessions Judge, 5<sup>th</sup> Court, Berhampore, Murshidabad subject to condition that the present petitioner shall appear before the learned trial court on each date of substantive

hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973. The petitioner shall remain within the jurisdiction of the trial court till conclusion of trial unless such conditions have been relaxed by the learned trial court.

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 and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned 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 being CRM (NDPS) 884 of 2024 is accordingly disposed of.

Criminal Section is directed to supply urgent Photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

**(Arijit Banerjee, J.)**

**(Gaurang Kanth, J.)**