

34. 03.07.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1037 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with NDPS Case No. **198 of 2022** arising out of **Baishnabnagar Police Station Case No. 1026 of 2022**, dated **04.12.2022** under Sections **21(c)/25/29** of the NDPS Act, 1985.

And

In the matter of: - **Neherul Sk**

...petitioner.

Mr. Md. Wasim Akram, Adv.

...for the petitioner.

Mr. Soumik Ganguly, Adv.,
Mr. Asraf Mandal, Adv.

...for the State.

The petitioner says that there was no recovery of contraband item from his possession. He has been implicated on the basis of statements made by co-accused persons. Other accused persons who are similarly circumstanced as the petitioner, have been granted bail and anticipatory bail. He claims parity.

Learned Advocate for the State, while opposing the prayer for bail, says that some of the accused persons including this petitioner fled away from the spot where seizure was made. However, in his usual fairness he admits that some of the accused persons, who stand on the same footing as the present petitioner, have been enlarged on bail.

Therefore, on the ground of parity, we allow this application for bail.

Accordingly, we direct that the petitioner, namely, **Neherul Sk**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Twenty Five Thousand) with two registered sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special 4th Court (under NDPS Act), Malda, 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, 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 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) 1037 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.)

(Apurba Sinha Ray, J.)