

40. 03.07.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1043 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with NDPS Case No. **12 of 2023** arising out of **Raninagar Police Station Case No. 27 of 2023**, dated **17.01.2023** under Sections **21(c)/29** of the NDPS Act, 1985.

And

In the matter of: - **Mustakin Sk. @ Mustakin Rahaman**

...petitioner.

Mr. Jisan Iqubal Hossain, Adv.

...for the petitioner.

Ms. Amita Gaur, Adv.,
Ms. Kanchan Roy, Adv.

...for the State.

The petitioner claims parity. He says that there was no recovery from his possession. He has been implicated on the basis of statements made by co-accused persons. He refers to an order dated April 5, 2023, passed in CRM (A) 1118 of 2023 and submits that a co-accused person was granted anticipatory bail. He stands on the same footing as that person. Another co-accused, similarly circumstanced, has also been granted bail.

Learned Advocate for the State, while opposing the prayer for bail, in her usual fairness, admits that co-accused persons similarly circumstanced as this 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, **Mustakin Sk. @ Mustakin Rahaman**, 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 Court (under NDPS Act), 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, 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) 1043 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.)