

24. 20.11.2024
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1088 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Dhubulia** Police Station Case No. **596/2023** dated **21.11.2023** under Sections **21(c)/25/29** of the NDPS Act, 1985.

And

In the matter of: - **Taposh Debnath**

...petitioner.

Mr. Milon Mukherjee, Ld. Sr. Adv.
Mr. Biswajit Manna
Mr. Saptarshi Banik

...for the petitioner.

Mr. Debasish Roy, Ld. PP
Mr. Prasun Kumar Datta
Ms. Eshita Dutta

...for State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated November 8, 2024, passed by the Hon'ble Supreme Court of India in Criminal Appeal No. 4502 of 2024, whereby a co-accused person, namely Debanjan Saha @ Sagar @ Sahib was enlarged on bail. The petitioner says that he stands on the same footing as Debanjan Saha @ Sagar @ Sahib.
2. While opposing the prayer for bail learned Public Prosecutor, in his usual fairness, does not dispute that this petitioner and the said Debanjan Saha @ Sagar @ Sahib are similarly circumstanced.
3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Taposh Debnath** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District & Sessions Judge, 1st Court (Special Court under NDPS Act), Krishnagar, Nadia, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
6. The application for bail being CRM (NDPS) 1088 of 2024 is accordingly disposed of.
7. Criminal Section is directed to make available 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.)