

27. 16.07.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1094 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with NDPS Case No. **122 of 2022** arising out of **Kaliachak Police Station Case No. 875 of 2022**, dated **12.08.2022** under Sections **21(c)/27A/29** of the NDPS Act, 1985. Charge-sheet submitted under Sections **21(c)/27A/29** of the NDPS Act, 1985.

And

In the matter of: - **Md Ziaul Hoque**

...petitioner.

Mr. Milon Mukherjee, Ld. Sr. Adv.,
Mr. Tapodip Gupta, Adv.

...for the petitioner.

Mr. Arindam Sen, Ld. Sr. Govt. Adv.,
Mr. Nirupam Dhali, Adv.

...for the State.

The petitioner renews his prayer for bail. He claims parity. He refers to an order dated November 17, 2023, passed in CRM (NDPS) 1594 of 2023, whereby a co-ordinate Bench granted bail to a co-accused person. The petitioner says that he stands on the same footing as that person.

Learned Advocate for the State, in his usual fairness, does not dispute that the petitioner is similarly circumstanced as the other accused person, who was granted bail on November 17, 2023.

Hence, on the ground of parity, we grant bail to the petitioner.

Accordingly, we direct that the petitioner, namely, **Md Ziaul Hoque**, shall be released on bail upon furnishing a bond of Rs.1,00,000/- with five sureties of Rs.20,000/- each, two of

whom must be local, to the satisfaction of the learned Judge, Special Court under the N.D.P.S. Act, 4th Court, Malda subject to condition that –

1. The petitioner shall appear before the Trial Court on each and every date of hearing until further orders and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.
2. The petitioner, while on bail, shall reside within the district of Malda and provide address where he shall presently reside to the Officer-in-charge, Kaliachak Police Station as well as the Court below.
3. The petitioner shall also report to the Officer-in-charge, Kaliachak Police Station once in a week until further orders.

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) 1094 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.)