

47. 24.07.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1162 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with N. 19/23 arising out of **Airport Police Station Case No. 247 of 2023**, dated **06.12.2023** under Sections **20(b)(ii)(c)/25/28/29** of the NDPS Act, 1985.

And

In the matter of: - **Hanif Mondal**

...petitioner.

Mr. Angshuman Chakraborty, Adv.,
Mr. Shashanka Shekhar Saha, Adv.

...for the petitioner.

Mr. Sujan Chatterjee, Adv.

...for the State.

Dictated by Arijit Banerjee, J.

The petitioner claims parity. He refers to an order dated July 11, 2024, passed by a co-ordinate Bench in CRM (NDPS) 1080 of 2024, whereby two co-accused persons were enlarged on bail. The petitioner says that he stands on the same footing as the said two persons.

Learned Advocate for the State, while opposing the prayer for bail, in his usual fairness says that indeed this petitioner is similarly circumstanced as the other two accused persons, who were enlarged on bail.

Hence, on the ground of parity, we allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Hanif Mondal**, 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 Judge, Special Court under the NDPS Act, Barrackpore, North 24-Parganas, subject to condition that the petitioner shall appear before the learned Trial Court on each and every 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) 1162 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.)

(Partha Sarathi Sen, J.)