

23.08.2024
Item no. 21.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1248 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with 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

And

In the matter of : Sabir Mondal

.....Petitioner.

Mr. Niladri Sekhar Ghosh,
Ms. Sampurna Chatterjee,
Mr. Sourav Mondal,
Ms. Laboni Sikdar,
Mr. Rony Mondal

.....for the Petitioner.

Mr. Debasish Roy, Id. PP,
Ms. Amita Gour,
Ms. Pinky Sarkar

.....for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity. He cites an order dated July 11, 2024, passed in CRM (NDPS) 1080 of 2024 as well as an order dated July 24, 2024, passed in CRM (NDPS) 1162 of 2024, whereby three out of four accused persons have been enlarged on bail. He says that he is similarly circumstanced.
2. While opposing the prayer for bail, learned Public Prosecutor, in his usual fairness, does not dispute that the petitioner stands on the same footing as the other accused persons, who have been granted bail. However, learned Public Prosecutor says that certain material

facts were not placed before this Court at the time when those two orders were passed. Steps are being taken to assail those two orders before the appropriate forum.

3. On the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely **Sabir Mondal** shall be released on bail upon furnishing a bond of Rs.25,000/-, 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 at Barrackpore, North 24 Parganas, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
5. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.
7. The application for bail is, accordingly, allowed.

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)