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19-08-2024
(ct. no.28)
S. De
Allowed

CRM (NDPS) 1288 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kaliachak Police Station** Case No. **236** of **2023** dated **02.03.2023** under Sections **21(c)/27A/29** of the Narcotic Drugs & Psychotropic Drugs (NDPS) Act.

- A n d -

In the matter of : Bablu Mia @ Bablu Sk.

.... Petitioner.

Md. Wasim Akram,

... For the Petitioner.

Mr. Anand Keshari,

Ms. Mamata Jana,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order passed by the Hon'ble Supreme Court passed on August 1, 2024, in Special Leave to Appeal (Crl.) No (s). 6293/2024. He says that he stands on the same footing as that co-accused person. He prays for bail.
2. Learned advocate for the State while opposing the prayer for bail, in his usual fairness, does not dispute that the present petitioner and Abu Mia who has been enlarged on bail by the Hon'ble Supreme Court, are similarly placed.
3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Bablu Mia @ Bablu Sk.** 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), Malda 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 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)