

53.
Court
No.28

04.09.2024
(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1346 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 **English Bazar** Police Station Case No. **1184/2019**, dated **26.11.2019** under Sections **8(c)/22(c)** of the NDPS Act, 1985.

And

In the matter of: - **Sattar Ahamed** ...petitioner.

Mr. Mazhar Hossain Chowdhury ...for the petitioner.

Mr. Ranabir Roy Chowdhury

Mrs. Mamata Jana ...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail on the ground of parity citing an order dated August 19, 2024, passed by a co-ordinate Bench in CRM (NDPS) 1173 of 2024, whereby one Faijul Sk., a co-accused person, was enlarged on bail primarily on the ground of prolonged detention and delay in progress of trial. He says that he stands on the same footing as Faijul Sk..
2. While opposing the prayer for bail learned Advocate for the State, in his usual fairness, does not dispute that this petitioner and the aforesaid Faijul Sk. 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, **Sattar Ahamed** shall be released on bail upon furnishing a bond of Rs.25,000/- (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, Additional Sessions Judge, 3rd Court, Malda, 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 / 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 learned 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) 1346 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.)

(Prasenjit Biswas, J.)