

32.
Court
No.28

17.09.2024

(A. Nag)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1378 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 **NDPS Case No. 197/2022** under Section **21(c) of NDPS Act, 1985** arising out of English Bazar Police Station Case No. 1806 of 2022 dated 13.12.2022 under Section 22(C)/27(A)/29 of the NDPS Act.
And

In the matter of: - **Jiaul Hoque & ors.**

...petitioner.

Mr. Ayan Bhattachaya
Mr. Riddhiman Mukherjee
Mr. Arkaprabha Roy

...for the petitioners

Md. Zubair Alam
Ms. Dhanasree Biswas

...for the State

Dictated by Arijit Banerjee, J.

1. The petitioners claim parity. They cite an order dated 23.08.2024 passed by a Coordinate Bench of this Court in CRM(NDPS) Case no. 1182 of 2024 whereby a co-accused was granted bail on the ground of inordinate delay in progress of trial. The petitioners say that they stand on the same footing as that person.
2. While opposing the prayer for bail, learned counsel appearing for the State does not dispute that these petitioners are similarly circumstanced as the accused person who was granted bail vide order dated 23.08.2024. Hence on the ground of parity, we enlarge these petitioners on bail. Thus, the prayer for bail stands **allowed**.
3. Accordingly, we direct that the petitioners, namely, **Jiaul Haque & ors.** 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, Additional District & Sessions Judge, 4th 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 and on further condition that the petitioner, while on bail, shall not leave the District of Malda and shall also deposit his passport, if there be any, with the Trial Court before his release from the Correctional Home.

4. 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.
5. The application for bail being CRM (NDPS) 1378 of 2024 is accordingly **disposed of**.
6. 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.)