

CRM (NDPS) 1379 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. **351 of 2022** dated **07.04.2022** under Sections **21(C)/29/8(C)** of the NDPS Act.

- A n d -

In the matter of : Rafikul Mia @ Hoque @ Rafikul

.... Petitioner.

Mr. Arup Kr. Bhowmick

... For the Petitioner.

Mr. Subhomay Bhattacharyya,
Ms. Dona Sanyal,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner claims parity citing an order dated August 8, 2024, whereby a Coordinate Bench enlarged a co-accused person on bail in CRM (NDPS) 1246 of 2024, purely on the ground of inordinate delay. He says that he stands on the same footing as that person, namely, Firdous.

2. While opposing the prayer for bail, the learned Advocate for the State in his usual fairness does not dispute that the petitioner and the aforesaid Firdous are similarly circumstanced.

3. Hence, on the ground of parity, we enlarge the petitioner on bail.

4. Accordingly, we direct that the petitioner, namely, **Rafikul Mia @ Hoque @ Rafikul**, 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 Special Judge 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. 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.

5. 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.

6. The application for bail is, accordingly, allowed.

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

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)