

36.
01-10-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1453 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Malda Police Station Case No.159 of 2021 dated 31-03-2021 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Biswajit Ghosh

.... Petitioner.

Mr. Arup Kumar Bhowmick

... For the Petitioner.

Mr. Joydeep Biswas,
Ms. Jonaki Saha

... For the State.

Dictated by Arijit Banerjee, J.

The petitioner claims parity citing two orders dated August 19, 2024 passed in CRM (NDPS) 1218 of 2024 and dated September 26, 2024 passed in CRM (NDPS) 1391 of 2024. By those two orders, co-accused persons have been enlarged on bail solely on the ground of inordinate delay in progress of the trial. The petitioner says that he stands on the same footing as the said persons. He is in custody for more than 3 years 5 months.

While opposing the prayer for bail, learned advocate for the State, in her usual fairness, does not dispute that this petitioner stands on the same footing as the other co-accused persons, who have been enlarged on bail, insofar as the delay in progress of trial is concerned.

Hence, on the ground of parity, we allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Biswajit Ghosh**, 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 learned Additional District Judge, 3rd Court, Special Court under NDPS Act, Malda. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said Police Station once in a week, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 1453 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)