

78.
05-10-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1541 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 Sankrail Police Station Case No.1527 of 2021 dated 24-12-2021 under Sections 20(b)(ii)(c)/25/27A/28/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Krishna Chandra Jena @ Kalo
.... Petitioner.

Mr. Sk Toslim Ali
... For the Petitioner.

Mr. Partha Pratim Das,
Mr. Bikram Mitra
... For the State.

Dictated by Arijit Banerjee, J.

The petitioner claims parity citing an order dated October 01, 2024 passed in CRM (NDPS) 1445 of 2024 whereby this Bench had enlarged on bail a co-accused person, i.e., Pramod Dehuri, on the ground of delay in progress of trial. The petitioner says that he stands on the same footing in all respects as the said Pramod Dehuri.

Learned advocate for the State, while opposing the prayer for bail, in his usual fairness, does not dispute that this petitioner and the said Pramod Dehuri are similarly circumstanced.

Hence, since the petitioner is also in custody for more than two years eight months, on the ground of delay and also

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

Accordingly, we direct that the petitioner, namely, **Krishna Chandra Jena @ Kalo**, 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 and Sessions Judge, 3rd Court (Special Court under NDPS Act) at Howrah. 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 Sankrail 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. Further, the petitioner shall, through his learned advocate, inform the learned trial Court and the Officer-in-Charge/Inspector-in-Charge of Sankrail Police Station his current local address where he shall be residing while on bail.

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) 1541 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.)