

18. 08.10.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1596 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Nabagram** Police Station Case No. **284/22** dated **02.08.2022** under Sections **21(C)/29** of the NDPS Act, 1985.

And

In the matter of: - **Samirul Sk. @ Somirul Sk.**

...petitioner.

Mr. Jisan Iqubal Hossain

...for the petitioner.

Mr. Debasish Roy, Ld. PP

Mr. Arijit Ganguly

Mr. Koushik Kundu

...for State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated August 30, 2024, passed in CRM (NDPS) 1274 of 2024, whereby a co-accused person was granted bail. He says that he stands on the same footing as that person. He prays for bail.
2. Learned State Advocate says that the petitioner had approached the Hon'ble Supreme Court assailing an order dated January 9, 2024, whereby a co-ordinate Bench had rejected his prayer for bail. The Hon'ble Supreme Court granted leave to the petitioner to withdraw the Special Leave Petition and permitted him to approach this Court praying for bail. However, while opposing the prayer for bail learned Additional Public Prosecutor, in his usual fairness, does not dispute that this petitioner and the co-accused person, who

was granted bail on August 30, 2024, as mentioned above, 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, **Samirul Sk. @ Somirul Sk.** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad at Berhampore, subject to condition that the petitioner shall appear before the 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 territorial jurisdiction of Sagardighi Police Station except for the purpose of attending Court proceeding and shall report to the Officer-in-Charge/Inspector-in-Charge of the said Police Station once in every week, until further orders.
5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the 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) 1596 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)