

CRM (NDPS) 1601 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **English Bazar Police Station Case No. 1160 of 2022** dated **21.07.2022** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Hyder Ali @ Hydar Ali

.... Petitioner.

Mr. Tapodip Gupta,

.... For the petitioner.

Ms. Minoti Gomes,
Mr. Rahul Ganguly,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner claims parity citing an order dated September 11, 2024, passed in CRM (NDPS) 1408 of 2024, whereby a co-accused person, namely, Aliul Biswas, was enlarged on bail by a Coordinate Bench, on the ground of delay in progress of trial. The petitioner says that he is similarly circumstanced as the said Aliul Biswas. He renews his prayer for bail.

2. Learned State Advocate, while opposing the bail prayer, in her usual fairness does not dispute that this petitioner is similarly circumstanced as the said Aliul Biswas.

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

4. Accordingly, we direct that the petitioner, namely, **Hyder Ali @ Hydar Ali**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge,

Special Court, Additional District Judge, 4th Court, Malda subject to condition that he shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)