

CRM (NDPS) 1604 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 **Bhatpara Police Station Case No. 261 of 2022** dated **02.04.2022** under Section **21(C)** of the NDPS Act.

- A n d -

In the matter of : Md. Raja

.... Petitioner.

Mr. Dhananjoy Banerjee,
Mr. D. Ghosh,

.... For the petitioner.

Mr. Subhamoy Bhattacharyya,
Mr. Arabinda Manna,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner claims parity citing orders dated March 22, 2024 and April 12, 2024 passed in CRM (NDPS) 515 of 2024 and CRM (NDPS) 646 of 2024, respectively, whereby two co-accused persons namely, Sourav Das @ Manik and Raja Mallick were enlarged on bail, on the ground of delay in trial. The petitioner says that he stands on the same footing as those two persons. He is in custody for two years six months.

2. Learned State Advocate, while opposing the bail prayer, in his usual fairness does not dispute that this petitioner is similarly circumstanced as the said Sourav Das @ Manik and Raja Mallick.

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

4. Accordingly, we direct that the petitioner, namely, **Md. Raja**, 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 Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas 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 or commit similar offences in future.

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.)