

78. 05.12.2024
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1778 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 **Hili** Police Station Case No. **274/2022** dated **01.12.2022** under Sections **20(b)(ii)/21(c)/22(c)/23(c)/27A** of the NDPS Act, 1985.

And
In the matter of: - **Subrato Das @ Chhotan Das**

Mr. Kaushik Choudhury ...petitioner.
Mr. Rudradipta Nandy, Ld. APP ...for the petitioner.
Mr. Sujoy Sarkar ...for State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing orders dated February 22, 2023, passed in CRM (A) 583 of 2023 and March 1, 2024, passed in CRM (NDPS) 399 of 2024, whereby co-accused persons were granted anticipatory bail and regular bail respectively, by co-ordinate Benches. The petitioner says that he stands on the same footing as those persons, since there was no recovery from him and he was implicated on the basis of statements made by co-accused persons.
2. While opposing the prayer for bail learned State Advocate, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as the two persons who were granted anticipatory bail and regular bail, as mentioned above.

3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Subrato Das @ Chhotan Das** 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 the learned Judge, Special Court (under NDPS Act)-cum-ADJ, 3rd Court, Balurhat, Dakshin Dinajpur 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.
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) 1778 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 with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)