

08.01.2024
Sl. No. 06
Srimanta

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM(NDPS)/4/2024

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Siliguri Police Station Case No. 1227 of 2021, dated 08.10.2021 under Section 21(c)/22(c) of the NDPS Act 1985 corresponding to CR (NDPS) Case No. 161 of 2021 pending before the Learned Special Judge (NDPS) and the Learned Additional Sessions Judge, 2nd Court, Siliguri.

And

In the matter of : **Sanil Gowala @ Jangli**
- Petitioner (In Jail).

Mr. Subham Ghosh,
Mr. Mayank Roy

...for the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas

...for the State.

Heard Mr. Subham Ghosh, learned Advocate for the petitioner and Mr. Aditi Shankar Chakraborty, learned Advocate for the State.

This bail petition under Section 439 of the Code of Criminal Procedure has been filed praying for grant of bail in connection with FIR No. 1227/2021 dated 08.10.2021, P.S.- Siliguri, District – Darjeeling under Section 21(c)/22(c) of the NDPS Act.

As per aforesaid FIR the petitioner and one Jimi Gowala @ Jhimi Gowala were intercepted on 08.10.2021 and from them certain quantity of cough syrup was recovered and they failed to produce evidence of possession. Consequently, the First Information Report was registered. The petitioner is languishing in jail. Charge-sheet has already been submitted

on 22.03.2022. Learned Counsel for the petitioner states that out of total 14 witnesses, only one has been examined in the trial, so far. We find that the other co-accused, Jimi Gowala @ Jhimi Gowala has been enlarged on bail by order dated 13.09.2023 in CRM(NDPS)/671/2023 passed by this Court. The role assigned to the petitioner and the aforesaid co-accused is similar as per the FIR. Under the circumstances, the bail deserves to be granted to the petitioner on the ground of parity.

Considering all the facts and circumstances of the case, the nature and gravity of accusation, the stage of investigation and without commenting on merits of the case, bail is granted to the accused petitioner, namely, **Sanil Gowala @ Jangli** in relation to afore-noted Siliguri Police Station Case No. 1227 of 2021 dated 18.10.2021 under Sections 21(c)/22(c) of the NDPS Act, 1985 corresponding to C.R.(NDPS) Case No. 161 of 2021, subject to the following conditions:-

- (i) In the event of arrest, the petitioner 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 Special Judge having jurisdiction under NDPS Act and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.
- (ii) In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the bail without further reference to this Court.

The application for bail being CRM (NDPS) 4 of 2024 is,
thus, allowed.

(Surya Prakash Kesarwani, J.)

(Rai Chattopadhyay, J.)