

JPD-26
Ct No.01
29.07.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 358 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Matigara** Police Station Case No. **1071** of **2021** dated **21.09.2021** under Section **21(c)** of the **NDPS Act, 1985**.

And

In the matter of: **Khaibul Md**

.... petitioner

Ms. Rima Sarkar,
Ms. Sidhi Sethia,
Ms. Suparna Paul

... for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Subhashis Mishra

... for the State

1. Learned counsel for the petitioner argues that the petitioner is in custody for 2 years and 8 months and is entitled to bail on the ground of parity since a co-accused on similar footing has been enlarged on bail earlier in the day by this court. Although other grounds are urged by learned counsel, the same may be canvassed in trial.
2. The grounds already narrated above are sufficient to grant bail.
3. Although learned counsel for the State seriously opposes the prayer for bail, we are of the opinion that the petitioner is entitled

to bail on the ground of parity with the co-accused as well as in view of the long incarceration of 2 years 8 months already undergone by him.

4. Accordingly, CRM (NDPS) 358 of 2024 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish 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 Court (NDPS Act), Second Court at Siliguri.
5. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
6. Further, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)