

JPD-59
Ct No.01
02.08.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 394 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhaktinagar Police Station Case No. 986 of 2023 dated 10.11.2023 under Sections 21(c)/22(c)/25/29 of the NDPS Act.

And

In the matter of: **Amzad Hossen @ Bittu**

.... petitioner

Mr. Hillol Saha podder
Ms. Mousumi das

... for the petitioner

Mr. Abhijit Sarkar
Mr. Kallol Acharjee
Mr. Tapan Bhattacharjee

... for the State

1. Learned counsel for the petitioner argues that two other co-accused persons on similar footing have already been granted bail.
2. Learned counsel for the State opposes the prayer for bail and submits that while granting bail to the other co-accused persons, the court proceeded on the premise that there was a delay of five months in furnishing of the chemical analysis report. However, in reality, the delay was much less.
3. Be that as it may, since the orders granting bail to the co-accused persons were passed on similar grounds, one of which was the inordinate delay in furnishing of the chemical report, and since no challenge has as yet been preferred against those orders, the said

orders have attained finality as of today and as such, on the ground of parity, the petitioner is also entitled to bail.

4. Keeping in view such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, CRM (NDPS) 394 of 2024 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of Special Court under the NDPS Act cum Additional Session Judge, First Court at Jalpaiguri.
6. 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.
7. 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.)