

0309
2024

TUESDAY

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI

CRM (NDPS) 415 of 2024

COURT : 01
ITEM : 18
MATTER : 439
STATUS : ALLOWED
BENCH ID : 1430
TRANSCRIBER : NANDY

In Re:- An application for **Bail** under section **439** of the Code of Criminal Procedure filed on August 5, 2024 in connection with Bhaktinagar Police Station Case No. 719 of 2023 dated 16.08.2023 under Sections 21(c)/22(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act (NDPS Case No. 72 of 2023.

And

In the matter of : **Rashid Sk.**

.....Petitioner

Dr. Arjun Chowdhury, Advocate
Ms. Pratusha Dutta Chowdhury, Advocate
Ms. Riya Agarwal, Advocate
Mr. Koushik Kumar Kanu, Advocate
Ms. Tulip Saha, Advocate

.....for the Petitioner

Mr. Aditi Shankar Chakraborty, Learned APP
Mr. Kallol Nag, Advocate

.....for the State

1. The petitioner has filed the instant application for bail on the ground of parity. Admittedly, the contraband above the commercial quantity was recovered from the joint possession of the petitioner along with other co-accused including Pradip Munda.
2. The earlier application for bail being CRM (NDPS) 395 of 2024 filed by the petitioner along with other two co-accused including Pradip Munda was disposed of on 02.08.2024 wherein the Coordinate Bench granted bail to the other two co-accused including Pradip Munda but rejected the prayer for bail so far as the present petitioner is concerned on the ground that the point which is urged in the said bail application was not urged on previous occasion and since the Court had rejected the same, it does not intend to take a

different view. However, liberty was granted to the petitioner to move the bail application before the next Circuit Bench.

3. The petitioner submits that the other two co-accused including Pradip Munda was granted bail on the score that although there is no clear proof of violation of Section 52A of the Narcotic Drug and Psychotropic Substances (NDPS) Act but there has been an infraction of Rule 14 of the NDPS Rules, 2022 wherein it is mandated that the Chemical Analysis Report has to be furnished within the prescribed time and there has been a gross delay in this regard.
4. Learned Advocate for the State submits that the contraband above the commercial quantity was recovered from the joint possession of all the accused including the petitioner and the said Pradip Munda and, therefore, the petitioner stands on the same footing that of the Pradip Munda.
5. Since Pradip Munda has already been granted bail on 02.08.2024 in CRM (NDPS) 395 of 2024, we do not find any justification in not extending the same benefit to the petitioner on the ground of parity.
6. Accordingly, **CRM (NDPS) 415 of 2024** is **allowed** by granting bail to the petitioner namely **Rashid Sk.**, 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), First Court at Jalpaiguri.
7. 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.
8. Further, the petitioner shall not directly or indirectly, make any inducement, thereat 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.

(Harish Tandon, J)

(Apurba Sinha Ray, J)