

02
05-11-2024
(ct. no.01)
S. De
(Allowed)

**THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM (NDPS) 427 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Pradhan Nagar Police Station Case No. 731 of 2023 dated 16.09.2023 under Sections 21(c)/22(c)/27A and 29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Gaffar Ali.

.... Petitioner.

Mr. Subham Ghosh,
Mr. Mayank Roy,

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Sourav Ganguly,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner claims parity. He says that co-accused persons namely Babar Ali and Parimal Roy were granted bail by this Court. He says that he stands on the same footing as those accused persons.
2. Learned advocate for the State, while opposing the prayer for bail, in his usual fairness, does not dispute that the petitioner is similarly circumstanced as Babar Ali and Parimal Roy.
3. Learned counsel further says that a Special Leave Petition has been filed by the State against the order passed by a co-ordinate Bench granting bail to Parimal Roy. However, as of date, there is no order of stay by the Hon'ble Supreme Court.
4. Hence, on the ground of parity, we allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Gaffar Ali** shall be released on bail upon furnishing a bond of Rs. 25,000/ with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court (under the NDPS Act), Siliguri and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the said police station once in a fortnight, until further orders.
6. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)