

14.11.2024
Item no. 26.
Court No.1.
AB
(Allowed)

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

CRM (NDPS) 463 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kharibari P. S. Case No. 159 of 2024 Dated 7.6.2024 under Sections 21C/22C/29 of the NDPS Act

And

In the matter of : Nilkanta Barman

.....Petitioner.

Mr. H. S. Poddar,
Ms. Mousumi Das for the Petitioner.

Mr. Ujjwal Luksom
Mr. S. S. Sikder for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated July 24, 2024, passed in CRM (NDPS) 294 of 2024, whereby a co-accused person, namely Ranjana Barman, was granted bail by a Coordinate Bench.
2. The petitioner says that he stands on the same footing as Ranjana Barman, who is his wife. The alleged recovery was made from the joint possession of the said Ranjana Barman and the petitioner.
3. Learned State Counsel, while opposing the prayer for bail, in his usual fairness, does not dispute that this

petitioner is similarly circumstanced as the aforesaid Ranjana Barman.

4. Hence, on the ground of parity, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **Nilkanta Barman** shall be released on bail upon furnishing a bond of Rs.25,000/-, with two sureties of Rs.12,500/-each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act at 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 concerned 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 and/or commit any cognizable offence 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.)