

28.11.2024  
SL No.13  
s.biswas  
(Allowed)

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

**C.R.M. (NDPS) 526 of 2024**

In Re: - An application for bail under Section 439 of the Cr.P.C. (corresponding to Section 483 of the BNSS) in connection with **Pradhan Nagar** P.S. Case No. **708/2023** dated **10.09.2023** under Sections **21(c)/22(c)/27(A)/29** of the NDPS Act.

And

In the matter of: **Amirul Sheikh @ Amirul Sk**

....Petitioner

Mr. Sudhindra Das

...for the Petitioner

Mr. Nilay Chakraborty

Mr. Sanjiv Das

...for the State

1. This is an application for bail. The petitioner has been in custody for 445 days. Intermediate quantity of brown sugar and 25 bottles of cough syrup were recovered from the petitioner. The co-accused was granted bail in CRM (NDPS) 314 of 2024. Prayer is made for release on bail on the ground of parity and uncertainty in the conclusion of trial.
2. Learned counsel for the State produces the case diary and opposes the prayer for bail on the ground that trial was going to commence very soon.
3. Considering the materials on records and the order passed by a Co-ordinate Bench granting bail to the co-accused, we are inclined to release the petitioner on bail on the ground of parity as also on the touchstone of Article 21 of the Constitution of India. There are 18 witnesses, but witness

action is yet to begin. Prolonged detention of the petitioner will be violative of his fundamental rights.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.25,000/- with two sureties of equal amount each, one of whom must be local, to the satisfaction of the Learned Special Court under NDPS Act, Siliguri, subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future. The petitioner shall not leave the jurisdiction of the trial court until further orders.
5. In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail of the petitioner without any further reference to this Court.
6. The application for bail is, thus, allowed.
7. All parties shall act on the basis of the server copy of the order.

**(Partha Sarathi Chatterjee, J.)**

**(Shampa Sarkar, J.)**