

03.12.2024  
SL No.23  
s.biswas  
(Allowed)

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

**C.R.M. (NDPS) 536 of 2024**

In Re: - An application for bail under Section 483 of the BNSS corresponding to Section 439 of the Cr.P.C. in connection with **NJP** P.S. Case No. **126/2023** dated **16.02.2023** under Sections **21(c)/22(c)/25/29** of the NDPS Act.

And

In the matter of: **Md. Shajahan**

....Petitioner

Mr. Biswarup Roy  
Ms. Supriya Debnath

...for the Petitioner

Mr. Kallol Acharjee  
Mr. Kallol Nag

...for the State

1. The petitioner prays for bail on the ground of prolonged detention and on the ground that there is a remote possibility of early conclusion of trial. The petitioner also submits that a co-accused has already been released on bail.
2. Learned advocate for the State opposes the prayer for bail on the ground that the petitioner is not on the same footing as the co-accused who was released on bail.
3. We have considered the order passed by the Co-ordinate Bench in CRM (NDPS) 729 of 2023. We have also perused the materials on record. Considering that there is hardly any chance of early conclusion of trial and on the ground of parity, we are inclined to grant bail to the petitioner on the touchstone of Article 21 of the Constitution of India.

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, Jalpaiguri, 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 territorial jurisdiction of the trial court until further orders. The address where the petitioner shall henceforth reside, shall be furnished to the local police station.
5. In the event the petitioner fails to comply with the conditions as stated 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.)**