

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

27.11.2024
Item No.29
Court No.1
(GB)
(Allowed)

CRM (NDPS) 545 of 2024

In Re: - An application for bail under section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 in connection with **Pradhannagar** Police Station Case No.**23/2023** dated **08.01.2023** under Sections 21(c)/22(C)/27A of NDPS Act, 1985.

And

In the matter of: **Kashif Mahfuz Shaikh**

....Petitioner.

Mr. Kumar Shantanu,
Ms. Nikita Paul

...for the Petitioner.

Mr. Kallol Acharjee,
Mr. Kallol Nag

... for the State.

1. The petitioner prays for bail on various grounds. First ground is parity with one Kudrat Ali, who was granted bail in CRM (NDPS) 285 of 2024. Next that the petitioner was only a porter in the railway station and he was carrying luggage of another person. The petitioner is in custody for 720 days. It is also submitted that there are 14 witnesses cited in the charge-sheet and there is hardly any likelihood of conclusion of the trial in the near future.
2. Learned advocate for the State vehemently opposes the prayer for bail.
3. Considering the parity with the facts narrated in the case of Kudrat Ali, we are inclined to hold that the petitioner falls within the mitigating circumstances under Section 37(2) of the NDPS Act. Thus, on the ground of parity and also on the above ground, the petitioner be released on bail on the condition that he shall furnish a bond of Rs.5,000/- with two sureties of equal amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, under NDPS Act,

Siliguri. The petitioner shall appear before the learned trial court on each and every date of hearing and shall not intimidate the witnesses or tamper with any evidence. The petitioner shall not leave the jurisdiction of the trial court. In case of failure to comply with the above directions, the learned trial Judge shall be entitled to cancel the bail without further reference to this Court.

4. The application for bail, being CRM (NDPS) 545 of 2024 is, thus, disposed of.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Partha Sarathi Chatterjee, J.)