

21.02.2025
Item no. 30.
Court No.29.
AB
(Allowed)

CRM (NDPS) 94 of 2025

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 Barasat Police Station Case No.797 of 2021 Dated 21.10.2021 under Sections 21(c) of the NDPS Act

And

In the matter of : Monsur Ali

.....Petitioner.

Mr. Gourab Kr. Nath
Mr. K. P. Kirtania for the Petitioner.

Mrs. Subhasree Patel
Mr. Abhinaba Mukherjee.....for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated January 31, 2024, passed by a Coordinate Bench in CRM (NDPS) 188 of 2024, whereby a co-accused person, by the name of Mujit Ali, was enlarged on bail solely on the ground of inordinate delay in the progress of trial. He says that he stands on the same footing as Mujit Ali.
2. Learned Advocate for the State, while opposing the prayer for bail, in her usual fairness, does not dispute that the petitioner herein is similarly circumstanced as the said Mujit Ali insofar as the period of detention and delay in trial are concerned.
3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely **MONSUR ALI** 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 Barasat, North 24 Parganas, and on further conditions that he 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.
5. 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.
6. The application for bail is, accordingly, allowed.
7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

