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18-02-2025
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 78 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Jalangi Police Station Case No. 13 of 2024** dated **09.01.2024** under Sections **21(c)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Titon Mondal @ Mandal.

.... Petitioner.

Ms. Arushi Rathore, ... For the Petitioner.

Mr. Joydeep Roy,
Mr. Soumadip Saha, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated September 4, 2024, passed by a Co-ordinate Bench in CRM (NDPS) 1175 of 2024, whereby a co-accused person by the name of Nagma Bibi @ Nagma Khatun Bibi @ Najma was granted bail primarily for breach of the provisions of Section 52(A) of the NDPS Act and relying on the Supreme Court decision in the case of Union of India Vs. Mohanlal & Anr. reported in (2016) 3 SCC 379. The petitioner says that he stands on the same footing as Nagma Bibi @ Nagma Khatun Bibi @ Najma.

2. Learned State counsel, while opposing the prayer, in his usual fairness, does not dispute that the petitioner is similarly circumstanced as Nagma Bibi @ Nagma Khatun Bibi @ Najma.

3. Hence, on the ground of parity, we allow the petitioner's prayer.

4. Accordingly, we direct that the petitioner, namely, **Titon Mondal @ Mandal** 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), Berhampore, Murshidabad, subject to the condition that the petitioner shall remain within the jurisdiction of the Berhampore Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge of the Berhampore Police Station, once in a week until further orders.

5. 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 in any manner whatsoever.

6. 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.

7. The application for bail is, accordingly, allowed.

8. 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.)