

CRM (NDPS) 106 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 **AJC Bose B. Garden Police Station Case No. 189 of 2023** dated **25.08.2023** under Sections **20(b)(ii)C** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Jahir Hossain.

.... Petitioner.

Mr. Imtiaz Ahmed,
Mrs. Ghazala Firdaus,
Mr. Mofakkerul Islam,
Mr. Sk. Saidullah,
Mr. Mithun Mondal,
Mr. Md. Arsalan,
Mr. Md. Bani Israil,

... For the Petitioner.

Mr. Antarikhya Basu,
Ms. Rajashree Tah,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated February 26, 2025, passed in CRM (NDPS) 173 of 2025, whereby a co-ordinate Bench granted bail to a co-accused person solely on the touchstone of Article 21 of the Constitution of India, noting that the petitioner in that case was in custody for 1 year and 6 months, charge had not been framed and there were 10 chargesheet named witnesses. The petitioner says that he is also in custody for 1 year and 6 months. He stands on the same footing as Anamika @ Anamika Bharoti who was granted bail by the order dated February 26, 2025.

2. While opposing the bail prayer, learned State advocate, in his usual fairness, does not dispute that in so far as the delay in trial and period of detention are concerned, the petitioner herein is similarly circumstanced as the aforesaid Anamika @ Anamika Bharoti.

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

4. Accordingly, we direct that the petitioner, namely, **Jahir Hossain** 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), Howrah subject to the condition that the petitioner shall remain within the jurisdiction of the Howrah Police Station and shall meet the Inspector-in-Charge, Howrah Police Station, once in every 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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)