

56. 18.02.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 97 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Berhampore** Police Station Case No. **1115/23** dated **09.8.2023** under Sections **20(b)(ii)(c)/29** of the NDPS Act, 1985.

And

In the matter of: - **SUKHENDU DEBNATH**

...petitioner.

Mr. Jisan Iqubal Hossain

...for the petitioner.

Ms. Rituparna De Ghose

Mr. Sachit Talukdar

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated February 5, 2025, passed in CRM (NDPS) 1990 of 2024, whereby this Bench had enlarged on bail a co-accused person by the name of Rajdeep Barman, going by the ratio of the decision in the case of **Idul Mia v. State of West Bengal**, rendered on October 8, 2024, in **CRM (NDPS) 1359 of 2024**, reported at **2024 SCC OnLine Cal 9109**, which was rendered relying on a previous Division Bench decision in the case of **Rakesh Sha v. The State of West Bengal**, reported at **2023 SCC OnLine Cal 2463**. The petitioner says that he is similarly circumstanced as Rajdeep Barman.
2. Learned Counsel for the State, while opposing the prayer for bail, in her usual fairness, does not dispute that this

petitioner is similarly circumstanced as Rajdeep Barman, who was enlarged on bail insofar as the ratio of the decision in the case of *Idul Mia (supra)* is concerned.

3. Hence on the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **SUKHENDU DEBNATH** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, Berhampore, Murshidabad, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall remain within the territorial jurisdiction of Berhampore Police Station and shall meet the Inspector-in-Charge/Officer-in-Charge of the said Police Station once in a week, until further orders.
5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail being CRM (NDPS) 97 of 2025 is accordingly disposed of.
7. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)