

26.02.2025
Item no. 39.
Court No.29.
AB
(Allowed)

CRM (NDPS) 142 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 Raiganj Police Station Case No.1589 of 2022 Dated 30.12.2022 under Section 20(b)(ii)(c) of the NDPS Act

And

In the matter of : Kinkar Dey & Anr.Petitioners.

Mr. Debabrata Roy
Mr. Tapas Kr. Saha
Mr. Soumik Mondalfor the Petitioners.

Mr. Ranadeb Sengupta
Ms. Suparna Chatterjeefor the State.

Dictated by Arijit Banerjee, J.

1. The petitioners claim parity citing an order dated January 7, 2025, passed in CRM (NDPS) 1856 of 2024, whereby we had enlarged a co-accused person by the name of Samir Kumar Malow @ Samir Kumar Malo on interim bail on the basis of the ratio of the decision in the case of **Idul Mia** reported in **2024 SCC Online CAL 9109**.
2. The petitioners say that they stand on the same footing as Samir Kumar Malow @ Samir Kumar Malo. They were taken into custody on the same day as Samir Kumar Malow @ Samir Kumar Malo.
3. Learned State Advocate, while opposing the prayer for bail, in his usual fairness, does not dispute that these petitioners are similarly circumstanced as Samir Kumar Malow @ Samir Kumar Malo insofar as the belated filing of chemical report is concerned.

4. Hence, on the ground of parity, we allow the petitioners' prayer for bail.
5. Accordingly, we direct that the petitioners, namely **KINKAR DEY** and **BHIM CHOWDHOURY** shall be released on bail upon furnishing a bond of Rs.25,000/- each, 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 Raiganj, Uttar Dinajpur, and on further conditions that they shall remain within the jurisdiction of the concerned Police Station and shall meet the Officer in Charge of the concerned Police Station once in a fortnight until further orders.
6. The petitioners 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.
7. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.
8. The application for bail is, accordingly, allowed.
9. 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.)

