

07
18-02-2025
(ct. no. 29)
KOLE
Allowed

CRM (NDPS) 125 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **English Bazar Police Station** Case No. **1473 of 2023** dated **07.09.2023** under Sections **21(c) /29** of the NDPS Act.

- A n d -

In the matter of : Jagannath Pramanik @ Mithu

.... Petitioner.

Mr. Arup Kr. Bhowmick,

... For the Petitioner.

Mr. Avishek Sinha,

Mr. Prakash Mishra,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner claims parity citing an order dated February 13, 2025, passed in CRM (NDPS) 21 of 2025, whereby we had granted bail to a co-accused person by the name of Jiaul Momin on the basis of the decision in the case of **Idul Mia-vs.-State of West Bengal**, reported in **2024 SCC Online Cal 9109**. The petitioner says that he stands on the same footing as Jiaul Momin.

2. While opposing the bail prayer, learned State Advocate, in his usual fairness does not dispute that this petitioner is similarly circumstanced as Jiaul Momin in so far as belated filing of FSL report is concerned.

3. Hence on the ground of parity, we are inclined to enlarge the petitioner on bail.

4. Accordingly, we direct that the petitioner, namely, **Jagannath Pramanik @ Mithu**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under the NDPS Act, Malda subject to condition that

he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the jurisdiction of the concerned police station and shall meet the I.C of the concerned 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 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.)