

64. 21.02.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 149 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 **Dhubulia** Police Station Case No. **636/2023** dated **11.12.2023** under Section **20(b)(ii)(c)** of the NDPS Act, 1985.

And

In the matter of: - **MASADUL MONDAL @ MASADUL HOSSAIN MONDAL**

...petitioner.

Mr. Md. Zeeshan Uddin

...for the petitioner.

Mr. Subhamay Bhattacharya

Ms. Dattatreya Dutta

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated March 19, 2024, passed by a co-ordinate Bench in CRM (NDPS) 360 of 2024, whereby a co-accused person by the name of Amit Swarnakar, was enlarged on bail. The petitioner says that he stands on the same footing as Amit Swarnakar.
2. Learned State Counsel, while opposing the prayer for bail, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as Amit Swarnakar, who was enlarged on bail.
3. Hence on the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **MASADUL MONDAL @ MASADUL HOSSAIN MONDAL** 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 the NDPS Act, Krishnagar, Nadia, 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 or commit similar offences in future.

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) 149 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)