

40. 06.03.2025
Court
No.29 (Tanmoy)

Allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 205 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 **English Bazar** Police Station Case No. **742/2024** dated **10.06.2024** under Sections **21(c)/29** of the NDPS Act, 1985.

And

In the matter of: - **KALU GHOSH**

...petitioner.

Mr. Md. M. H. Chowdhury
Mr. Md. Zeeshan Uddin

...for the petitioner.

Ms. Faria Hossain, APP
Ms. Arani Bhattacharya

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated February 18, 2025, passed in CRM (NDPS) 37 of 2025, whereby a co-ordinate Bench granted bail to a co-accused person by the name of Horo Ghosh. The petitioner says that he stands on the same footing as Horo Ghosh. There was no recovery of contraband items from him. He was implicated on the basis of statements made by co-accused persons, which are inadmissible in evidence.
2. Learned State Counsel, while opposing the prayer for bail, admits that the petitioner was implicated solely on the basis of statements made by co-accused persons and that there was no recovery from him.

3. Hence on the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **KALU GHOSH** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of Rs.12,500/- (Rupees Twelve Thousand Five Hundred) each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, Malda, 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 not leave the territorial jurisdiction of Malda Police Station (jurisdiction of the learned Trial Court) and shall furnish his present address to the Inspector-in-Charge/Officer-in-Charge of the said Police Station as well as the learned Trial Court and shall report to the Inspector-in-Charge/Officer-in-Charge of the said Police Station once in a fortnight, 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) 205 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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)