

CRM (NDPS) 233 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. **742 of 2024** dated **10.06.2024** under Sections **21(C)/29** of the NDPS Act.

- A n d -

In the matter of : Samir Ghosh & Anr.

.... Petitioners.

Mr. Avinaba Patra,

... For the Petitioners.

Mr. Avishek Sinha,

Mr. Debarshi Brahma,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioners claim parity by citing an order dated February 18, 2025, passed in CRM (NDPS) 37 of 2025, whereby a coordinate bench enlarged on bail a co-accused person by the name of Horo Ghosh. The petitioners say that they stand on the same footing. There was no recovery from them. They have been implicated only on the basis of the statements made by co-accused persons which are inadmissible in evidence.

2. Learned State Advocate while opposing the bail prayer, in her usual fairness does not dispute that these petitioners are similarly circumstanced as the aforesaid Horo Ghosh.

3. Hence, on the ground of parity, we enlarge the petitioners on bail.

4. Accordingly, we direct that the petitioners, namely, **Samir Ghosh and Goutam Ghosh**, shall be released on bail upon furnishing a bond of Rs. 25,000/- each, 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 they 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 petitioners while on bail shall not leave the jurisdiction of the concerned police station and shall meet the O.C./I.C. of concerned police station once in a fortnight until further orders.

5. 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.

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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)