

CRM (NDPS) 250 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Waltgunje Excise Circle SI's SL No. 69 of 2021 dated 30.11.2021 under Sections 20(b)(ii)(c)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

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In the matter of : Rafiq Naskar. Petitioner.

Mr. Joy Chakraborty,

Mr. Sandip Dinda, ... For the Petitioner.

Mr. Anand Kesari

Mr. A. Paul, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated March 6, 2025, passed by a Co-ordinate Bench in CRM (NDPS) 248 of 2025, whereby a co-accused person by the name of Gobinda Chandra Katual was enlarged on bail primarily on the touchstone of Article 21 of the Constitution of India. That person was in custody for 3 years and 3 months. Only 1 out of 12 chargesheet named witnesses had been examined, that too, in part. This petitioner says that he stands on the same footing. He is in custody for about 2 years and 8 months. There is no progress in the trial.
2. Learned State counsel, while opposing the bail prayer, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as Gobinda Chandra Katual in so far as the delay in progress of trial and the period of detention is concerned.
3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Rafiq Naskar** shall be released on bail upon furnishing a bond of Rs. 25,000/

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), Alipore, South 24-Parganas, subject to the 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 Braratiya 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 Watgunge Police Station, except for the purpose of attending Court proceedings and shall furnish his present address to the Inspector in Charge of the said Police Station as well as the learned Trial Court and shall also meet the Inspector-in-Charge of the said 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.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)