

CRM (NDPS) 263 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 **Berhampore Police Station Case No.811 of 2023 dated 20.06.2023 under Sections 20(C)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Goutam Sarkar @ Buddha. Petitioner.

Mr. Arnab Chatterjee,

Ms. Poulomi Bose,

Ms. Dhannasree Biswas,

Mr. Avik Ghosh, ... For the Petitioner.

Mr. Sanjoy Banerjee,

Mr. Duttatrteya Dutta, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated September 23, 2024, passed in CRM (NDPS) 1339 of 2024, whereby a co-accused person by the name of Sujit Sarkar was granted bail. He says that there was no recovery from him like Sujit Sarkar. He has been implicated only on the basis of the statement made by the co-accused person.

2. He also relies on an order dated February 21, 2025, passed by a co-ordinate Bench in CRM (NDPS) 137 of 2025, whereby a co-ordinate Bench enlarged on bail another co-accused person by the name of Golam Sk, primarily, on the touchstone of Article 21 of the Constitution of India. He says that he is similarly circumstanced as Golam Sk as he is in custody for about 1 year and 7 months. There are 15 chargesheet named witnesses. Witness action has not yet begun.

3. We, therefore, find that the petitioner is, indeed, similarly circumstanced as Sujit Sarkar and Golam Sk. Hence, we allow the prayer for bail of the petitioner.

4. Accordingly, we direct that the petitioner, namely, **Goutam Sarkar @ Buddha** 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), Berhampore, Murshidabad, subject to the condition that the petitioner shall appear before the trial Court on every date of hearing until further orders 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 remain within the jurisdiction of the Berhampore Police Station and shall 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.)