

### **CRM (NDPS) 269 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 **Ashoknagar Police Station** Case No. **122 of 2021** dated **12.02.2021** under Sections **20(b)(ii)(c)/29** of the NDPS Act.

- A n d -

**In the matter of : Samir Saha**

.... Petitioner.

Mr. Debasis Kar,  
Mr. Husen Mustafi,

... For the Petitioner.

Mr. Sanjay Banerjee,  
Ms. Afreen Begum,

... For the State.

#### **Order dictated by Arijit Banerjee, J.:**

1. The petitioner claims parity citing an order dated February 13, 2025, passed by a Coordinate Bench in CRM (NDPS) 62 of 2025, whereby a co-accused person by the name of Partha Saha was enlarged on bail primarily on the touchstone of Article 21 of the Constitution of India. That person had been in custody for about four years and only four witnesses had been examined by the prosecution out of 25 charge sheet named witnesses. The petitioner says that he stands on the same footing. He is also in custody for more than four years.

2. Learned State Advocate while opposing the bail prayer in his usual fairness does not dispute that this petitioner is similarly circumstanced as Partha Saha in so far as the delay in progress of trial and period of detention are concerned.

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

4. Accordingly, we direct that the petitioner, namely, **Samir Saha**, shall be released on bail upon furnishing a bond of Rs.

25,000/-, 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, Barasat, North 24 Parganas subject to condition that he 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 petitioner while on bail shall not leave the jurisdiction of the concerned police station except for the purpose of attending court proceeding and shall meet the O.C./I.C. of concerned 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 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. )**