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17-03-2025
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 321 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 **Alipore Police Station Case No. 86 of 2022** dated **24.07.2022** under Sections **20(b)(ii)(c)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Nurul Hassan Halder. Petitioner.

Mr. Soumyajit Das Mahapatra,
Mr. Abdul Aziz Mondal, ... For the Petitioner.

Mr. Suman De,
Md. Yaser A. Ismail, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated February 26, 2025, passed by this Bench in CRM (NDPS) 171 of 2025, whereby a co-accused person by the name of Md. Omar was granted bail solely on the touchstone of Article 21 of the Constitution of India. The petitioner says that he stands on the same footing as Md. Omar. He is also in custody for 2 years and 8 months.

2. Learned State counsel, while opposing his prayer for bail, in his usual fairness, does not dispute that the petitioner herein is similarly circumstanced as Md. Omar who has been granted bail, in so far as period of detention and delay in trial are concerned.

3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Nurul Hassan Halder** 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 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 conditions that the petitioner while on bail shall remain within the jurisdiction of the Dunkuni Police Station and shall meet the Inspector-in-Charge, Dunkuni Police Station, twice 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)