

57. 26.03.2025
Court
No.29 (Pritam)
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 323 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Dum Dum** Police Station Case No.**1204/2021** dated **10.11.2021** under Section **21(c)** of the Narcotic Drugs & Psychotropic Substances Act, 1985.

And

In the matter of: - **Kamal Biswas.**

...petitioner.

Mr. Joydeep Roy,
Ms. Rituparna Saha

...for the petitioner.

Mr. Debasis Kar,
Mr. Husen Mustafi

...for the State.

Dictated by Arijit Banerjee, J.

1. Report filed by the State be kept with the records.
2. The petitioner claims parity citing an order dated February 29, 2024 passed in CRM (NDPS) 221 of 2024, whereby a co-ordinate bench enlarged on bail a co-accused person by the name of Hasem Laskar on the ground of delay in progress of the trial. That person had been in custody for more than 2 (two) years. The petitioner says that he is in custody for more than 3 (three) years and 4 (four) months now.
3. Learned State counsel while opposing the bail prayer, in her usual fairness, does not dispute that this petitioner is similarly circumstanced as the aforesaid Hasem Laskar.

4. Hence, on the ground of parity, we grant bail to the petitioner.
5. Accordingly, we direct that the petitioner, namely, **Kamal Biswas**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned *Judge, Special Court under NDPS Act, Barrackpore, North 24 Parganas*. 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 the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the territorial jurisdiction of *Titagarh* Police Station and shall report to the said police station twice in a week, until further orders.
6. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this court.
7. The application for bail being CRM (NDPS) 323 of 2025 is, thus, disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)