

17. 21.01.2025  
Court  
No.29 (Tanmoy)

Allowed

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

**CRM (NDPS) 1789 of 2024**

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 **NCB Crime No.10/NCB/KOL/2022** dated **04.03.2022** under Section **20(b)(ii)(C)/29** of the NDPS Act, 1985.  
And

In the matter of: - **Nimai Ghosh @ Nemai Ghosh** ...petitioner.  
Ms. Saba Parween ...for the petitioner.  
Mr. Gouranga Kumar Das  
Mr. Sagar Saha ...for NCB.

**Dictated by Arijit Banerjee, J.**

1. The petitioner claims parity citing an order dated January 16, 2025, passed in CRM (NDPS) 1776 of 2024, whereby this Bench had granted bail to two co-accused persons on the ground of long incarceration, referring to Hon'ble Apex Court's order dated December 20, 2024, passed in Criminal Appeal No. 5588 of 2024, whereby the Hon'ble Apex Court had granted bail to some of the accused persons on the ground of long detention. The petitioner says that he stands on the same footing as those persons who were enlarged on bail. He is in custody for about three years. Three out of five witnesses have been examined.
2. Learned Counsel for Narcotics Control Bureau (NCB) has filed a report which is kept with the records. While opposing the

prayer for bail learned Advocate, in his usual fairness, does not dispute that insofar as the period of detention is concerned, this petitioner is similarly circumstanced as the two accused persons who were enlarged on bail by this Bench on January 16, 2025, in CRM (NDPS) 1776 of 2024.

3. Hence on the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Nimai Ghosh @ Nemai Ghosh** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court (under NDPS Act), Howrah, subject to 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 Bharatiya 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 Howrah Police Station and shall meet the Inspector-in-Charge of Howrah Police Station twice every week, until further orders.
5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the

Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail being CRM (NDPS) 1789 of 2024 is accordingly disposed of.
7. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

**(Apurba Sinha Ray, J.)**

**(Arijit Banerjee, J.)**