

28.01.2025
Item no. 48.
Court No.29.
AB
(Allowed)

CRM (NDPS) 1912 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Samsheganj Police Station Case No.458 of 2023 Dated 03.12.2023 under Sections 21C/22C/25/29 of the NDPS Act

And

In the matter of : Banarash Roy & Anr.Petitioners.

Mr. S. Das Mahapatra,
Mr. Tapodip Gupta,
Mr. Ranabeer Halderfor the Petitioners.

Mr. Rana Mukherjee, Id. APP
Mr. Rajesh Janafor the State.

Dictated by Arijit Banerjee, J.

1. Status Report filed by the State, be kept with the records.
2. The petitioners claim parity citing an order dated December 2, 2024, passed by us in CRM (NDPS) 1639 of 2024, whereby other accused persons, namely, Tosikul Islam and others were enlarged on bail on the basis of the ratio of the decision in the case of **Idul Mia** reported in **2024 SCC Online Cal 9109**. Since FSL report was not filed with the charge sheet, bail was granted.
3. The petitioners say that they stand on the same footing as other accused persons, who have been granted bail.
4. Learned State Counsel, while opposing the prayer for bail, in his usual fairness, does not dispute that the

petitioners are similarly circumstanced as the other accused persons, who have been enlarged on bail by us.

5. Hence, on the ground of parity, we allow the petitioners' prayer for bail.
6. Accordingly, we direct that the petitioners, namely **BANARASH ROY** and **ANIL ROY** shall be released on bail upon furnishing a bond of Rs.25,000/-each, 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 at Berhampore, Murshidabad, and on further conditions that they shall remain within the jurisdiction of the Berhampore Police Station and shall report to the Officer-in-Charge of the Berhampore Police Station once in a week until further orders.
7. The petitioners 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 and/or commit any cognizable offence in any manner whatsoever.
8. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.
9. The application for bail is, accordingly, allowed.

10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)