

56
16-01-2025
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 1946 of 2024

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 **Shalimar GRPS Police Station Case No. 18 of 2023 dated 13.08.2023 under Section 21(c)** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Bharat Yadav & Anr.

.... Petitioners.

Sk. Toslim Ali,

... For the Petitioners.

Mrs. Amita Gour,

Mr. Santanu Talukdar,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioners claim parity citing an order dated January 9, 2025, passed by a co-ordinate Bench in CRM (NDPS) 1945 of 2024, whereby a co-accused person by the name of Ram Briksha Ram was granted bail on the ground of delay in trial. That person was in custody for 1 year and 4 months. The petitioners say that they stand on the same footing in so far as the period of detention is concerned.
2. Learned State counsel, while opposing the prayer for bail, in her usual fairness, does not dispute that the petitioners herein and the said Ram Briksha Ram are similarly circumstanced in so far as the period of detention and delay in trial are concerned.
3. Hence, on the ground of parity, we allow the petitioners' prayer for bail.
4. Accordingly, we direct that the petitioners, namely, **Bharat Yadav** and **Sanju Hari** shall be released on bail upon furnishing

a bond of Rs. 10,000/ each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court (under the NDPS Act), Howrah subject to the condition that 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 in any manner whatsoever or commit similar offences in future.

5. In the event the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the petitioners' 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.)