

59. 21.01.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1964 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 **Murshidabad** Police Station Case No.**730/2023** dated **27.9.2023** under Section **20(b)(ii)/29** of the NDPS Act, 1985.

And

In the matter of: - **Jyotsna Roy Sardar @ Kalpana Roy Sardar @ Kalpana Sardar**

...petitioner.

Mr. Tapodip Gupta

...for the petitioner.

Ms. Faria Hossain, APP

Mr. Ratul Ghosh

...for the State.

Dictated by Apurba Sinha Ray, J.

1. The petitioner claims parity citing an order dated October 7, 2024, passed in CRM (NDPS) 1485 of 2024, whereby this Bench had granted bail to two co-accused persons, namely, Jagadish Mondal and Sworna Mondal @ Swarno Mondal, on the ground of delay in progress of the trial. The petitioner says that he stands on the same footing as those persons who were enlarged on bail.
2. While opposing the prayer for bail learned State Counsel, in her usual fairness, does not dispute that this petitioner is similarly circumstanced as Jagadish Mondal and Sworna Mondal @ Swarno Mondal, who were enlarged on bail by this Court.
3. Hence on the ground of parity, we allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Jyotsna Roy Sardar @ Kalpana Roy Sardar @ Kalpana Sardar** 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)-cum-Additional District Judge, 2nd Court at Berhampore, Murshidabad, 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.
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 her bail in accordance with law without further reference to this Court.
6. The application for bail being CRM (NDPS) 1964 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.)