

12. 18.02.2025
Court
No.29 (Tanmoy)

Allowed

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

CRM (NDPS) 60 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 **NCB Crime No.16/NCB/KOL/2020** dated **09.09.2020** under Section **8(c)** read with Sections **20(b)(ii)(c)/23/27A/28/29** of the NDPS Act, 1985.

And

In the matter of: - **ASHIM ROY**

...petitioner.

Mr. Raja Mukherjee

...for the petitioner.

Mr. Sourav Sengupta

Mr. Kalyan Chakraborty

...for UOI/NCB.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated January 16, 2025, passed in CRM (NDPS) 1847 of 2024, whereby this Bench had enlarged on bail a co-accused person by the name of Rajen Mishra @ Rajan Mishra, solely on the ground of delay in progress of the trial. That accused person was in custody for more than four years and four months. Only one out of six charge-sheet named witnesses had been examined and that too, in part. The petitioner says that he stands on the same footing as Rajen Mishra @ Rajan Mishra. He is in custody for four years and five months.
2. Learned Counsel for Narcotics Control Bureau (NCB), while opposing the prayer for bail, in his usual fairness, does not dispute that insofar as the period of detention and delay in

trial are concerned, this petitioner is similarly circumstanced as Rajen Mishra @ Rajan Mishra, who was enlarged on bail. He further tells us that sometime in March, 2025, PW1 is scheduled to be further examined.

3. Hence on the ground of parity, we allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **ASHIM ROY** 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 Additional District & Sessions Judge, 4th Court at Alipore, South 24-Parganas, 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 shall deposit his passport, if there be any, with the learned Trial Court before his release from the Correctional Home.
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) 60 of 2025 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.)