

27. 02.04.2025
Court
No.1 (Tanmoy)
Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (A) 156 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 / Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Tufanganj Police Station Case No. 954/2024** dated **22/12/2024** under Sections **21(b)/22(c)/25** of NDPS Act, 1985 read with Sections **221/132/121(1)/118(2)/109(1)**. NDPS Case No. 130/2024.

And

In the matter of: - **Rafiul Haque**

...petitioner.

Mr. Suman Sehanabis (Mandal)
Mr. Partha Pratim Saha
Ms. Aritri Chakraborty

...for the petitioner.

Mr. Saikat Chatterjee
Ms. Sukanya Adhikary

...for the State.

1. The petitioner claims parity citing an order dated February 17, 2025, passed in CRM(A) 92 of 2025, by a Division Bench, whereby anticipatory bail was granted to one Ziarul Haque @ Jiyarul Haque Miya. The petitioner says that like Ziarul Haque, there was no recovery from him. The seizure was made from the house of one Hamidul Haque, son of Ainul Haque. There was a commotion at the time of seizure where several villagers were present including this petitioner. That is why the petitioner has been implicated.
2. Learned State Advocate, while opposing the prayer for anticipatory bail, in his usual fairness, does not dispute that this petitioner is similarly circumstanced as the said Ziarul Haque, who has been granted anticipatory bail by this Court.

3. Hence, on the ground of parity, the petitioner's prayer for anticipatory bail is allowed.
4. Accordingly, in the event of arrest, the petitioner, namely, **Rafiul Haque**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioner, while on bail, shall not leave the territorial jurisdiction of Tufanganj (Coochbehar) Police Station until further orders and shall meet the Investigating Officer once a week till completion of investigation or until further orders.
5. In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.
6. The application for anticipatory bail being CRM (A) 156 of 2025 is accordingly disposed of.
7. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.

(Arijit Banerjee, J.)