

**29.10.2025**  
**40.**  
**BD**  
**Allowed**  
**(Int.Bail)**

**Calcutta High Court**  
**In the Circuit Bench at Jalpaiguri**

**C.R.M. (NDPS) 401 of 2025**

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with C.R. (NDPS) Case No. 59/2025 arising out of Pradhannagar Police Station case no. 315 of 2025 dated 06.05.2025 under Sections 20(b)(ii) (c)/29 of the NDPS Act, 1985.

And

In the matter of : **Azizul Rahaman & Ors.**

**.... Petitioners**

Mr. Hillol Saha Poddar

...for the Petitioners

Mr. Abhijit Sarkar

Ms. Sukanya Adhikary

...for the State

Prosecution case is that 36 Kgs. of Ganja was recovered from four accused persons and the petitioners are in custody since 6<sup>th</sup> May, 2025.

Mr. Poddar, learned counsel appearing on behalf of the petitioners submits that out of four accused persons one accused namely Dipchand Barman preferred bail application before this Court on the ground that grounds of arrest were not communicated to him at the time of his arrest and column no. 2(c) of the Memo of Arrest is lying blank. This High Court by its order dated 10<sup>th</sup> July, 2025 granted bail in favour of the said co-accused being CRM (NDPS) 296 of 2025. Mr. Poddar further submits that such order granting bail to the co-accused was never challenged by the State. He further

submits that the present three petitioners are almost on the same footing and as such they may be released on bail on any terms and conditions.

Mr. Sarkar, learned counsel, appearing on behalf of the State opposed the bail prayer contending that parity cannot be the sole ground for granting bail. He further submits that similar issue was raised before this High Court in Azizul Sk. & Ors. -vs- State of West Bengal and a co-ordinate Bench of this Court while disposing the prayer for interim bail made by number of petitioners observed that it is a crime against society at large and the nation itself and as such ordinary bail rule is not applicable to such cases.

Having considered the submissions made on behalf of both the parties, I find that in the arrest memo of all the petitioners herein the column no. 2 (c) in the Memo of Arrest is also lying blank and as such they are almost on the same footing with that of the co-accused person namely Dipchand Barman, who has already been granted bail by this Court. Having considered the aforesaid facts and circumstances of the case the present petitioners may be enlarged on **interim bail**.

Accordingly, the petitioners namely, **(1) Azizul Rahaman, (2) Duryadhan Namadas, (3) Sanjay Das** shall be released on bail upon furnishing a bond of Rs. 20,000/- each with two registered sureties of Rs. 10,000/- each, of which one must be local, subject to the satisfaction of the learned Additional

Chief Judicial Magistrate, Siliguri and also on condition that the accused persons shall not mis-use the liberty granted by this Court and they shall not tamper with any evidence orally or documentary during the trial. They shall not absent themselves on any day during trial and shall not commit any offence while on bail. They shall give their mobile phone numbers to the local police station and shall not change it without prior permission of the trial court and they shall not in any manner try to delay the trial. The petitioners shall not leave the geographical limit of district Darjeeling without taking leave from the court below and shall report to the Inspector-in-charge/Officer-in-Charge Pradhannagar Police Station once in a week until further order.

The matter may be listed after eight weeks before the next available Circuit Bench.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

**(Dr. Ajoy Kumar Mukherjee, J.)**