

10.12.2020  
Sl. No.28  
**akd**  
[ALLOWED]

**C. R. M. 10172 of 2020** [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.12.2020 in connection with Lalgola Police Station Case No. 782 of 2015 dated 22.10.2015 under Section 22 of the NDPS Act. (NDPS Case No.284 of 2015)

And

In Re: **Manoj Mondal**

... .. Petitioner

Mr. Mazhar Hossain Chowdhury .. Advocate

... .. for the petitioners

Mr. Swapan Banerjee .. Advocate

Mr. Suman De .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than five years. It is further submitted that there is slow progress in the trial of the case.

Learned advocate appearing for the State opposes the prayer for bail and submits that date has been fixed for recording evidence in December, 2020.

Although allegations involve possession of narcotic substance above commercial quantity which attracts statutory restrictions under Section 37 of the NDPS Act in the matter of grant of bail, we have considered the bail prayer of the petitioner on the anvil of inordinate delay in disposal of the case amounting to infraction under Article 21 of the Constitution of India. Only one witness has been examined till date and there is little possibility of the trial concluding in the near future. The petitioner had substantially attributed to the delay. In view of the aforesaid facts and the directions of the Apex Court in **Supreme Court Legal Aid Committee representing Undertrial Prisoners vs. Union of India & Ors.** reported in (1994) 6 SCC 731, we are inclined in granting bail to the petitioner however, subject to strict conditions.

Therefore, the accused/petitioner, namely **Manoj Mondal**, be released on bail upon furnishing bond of Rs.1,00,000/- (Rupees One lakh only), with five sureties of Rs.20,000/- each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, 1985, Berhampore, Murshidabad subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Lalgola Police Station until further orders except for the purpose of investigation and/or for attending court proceedings and shall report to the Officer-in-charge, Lalgola Police Station once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

**(Suvra Ghosh, J.)**

**(Joymalya Bagchi, J.)**