

02.05.2023
Sl. No.15
akd
[ALLOWED]

C. R. M. (NDPS) 911 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.04.2023 in connection with Hingalganj Police Station Case No.58 of 2020 dated 27.04.2020 under Section 20(a)(b)(C) of the NDPS Act.

And

In Re: ***Manoranjan Mandal @ Montu***

... .. Petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted no material was collected during investigation to show that petitioner is the owner of the land wherefrom *Ganja* plants were recovered. There is very slow progress in the matter. Accordingly, he renews his prayer for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. 18 kgs. of *Ganja* was recovered from co-accused viz. Bappa Mondal. It is claimed 230 kgs. of *Ganja* plants were recovered from the land of the petitioner. However, his bail prayer was rejected earlier on merits. Though charge was framed in November 2021, till date no witness has been examined. Prosecution proposes to examine 13 witnesses and there is little possibility of trial concluding in the near future. Delay in the matter cannot be attributed to the petitioner or co-accused. Under such circumstances, we are of the opinion petitioner has been able to make out a case of breach of his fundamental right to speedy trial and is entitled to bail on this score. Bail prayer on the ground of inordinate

delay in trial is not fettered by restrictions under Section 37 of the NDPS Act.

Therefore, the accused/petitioner, namely **Manoranjan Mandal @ Montu**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, under the NDPS Act-cum-Additional Sessions Judge, 6th Court, Barasat, North 24-Parganas 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 the district of North 24-Parganas and shall report to the Officer-in-charge, Hingalganj Police Station once in a week until further orders.

In the event he fails to appear before the trial court without any 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)