

08.05.2023.
16.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 938 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 33 of 2018 arising out of STF P. S. Case No.18 of 2018 dated 06.10.2018 under Sections 20(b)(ii)(C)/29 of the NDPS Act read with Sections 467/468/34 of the Indian Penal Code.

In the matter of : Nazrul Mondal.

.... Petitioner.

Mr. Sourav Chatterjee,
Mr. Aniruddha Bhattacharyya,
Mr. Kaushik Chowdhury,
Mr. Ritwik Ghosh.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee.

...for the State.

Petitioner is in custody for more than four years. He submits there is inordinate delay in trial. Co-accused have been enlarged on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits trial is in progress.

We have considered the materials on record. Though allegations are grave and involve transportation of narcotics above commercial quantity in a truck, we note there is inordinate delay in trial and co-accused including Bijon Haldar (who was in the truck) has been enlarged on bail. Petitioner is not responsible for the delay and has suffered incarceration for four years and seven months. Hence, we are inclined to enlarge the petitioner on bail subject to strict conditions.

Accordingly, the petitioner viz., Nazrul Mondal shall be released on bail upon furnishing a bond of Rs.50,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge Bench-I, NDPS Act, City Sessions Court, Calcutta subject to condition that he 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 and on further condition that the petitioner, while on bail, shall remain within the Municipal limits of Kolkata except for the purpose of attending court proceeding and shall provide the address where he shall presently reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court 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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)