

11.10.2023.
03.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1661 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.05 of 2021 arising out of Jalangi P.S. Case No.435 of 2020 dated 27.12.2020 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Mohim Mondal @ Mahim Mondal.**

.... Petitioner.

Mr. Tapodip Gupta,
Mr. Suman Bhanja.

...for the Petitioner.

Mr. Antarikhya Basu.

...for the State.

1. Petitioner is in custody for two years and nine months. He submits there is slow progress in trial since rejection of bail in May, 2023. He renews his bail prayer.
2. Learned Advocate for the State opposes the bail prayer. He submits three witnesses have been examined in the meantime.
3. We have considered the materials on record. Petitioner is in custody for two years and nine months. His bail prayer was turned down in May, 2023. Thereafter, three witnesses have been examined and prosecution proposes to examine 16 witnesses in all.
4. 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 he is entitled to bail on such score.
5. Accordingly, the petitioner viz., **Mohim Mondal @ Mahim Mondal** 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 learned Judge, Special Court under the NDPS Act, Murshidabad at Berhampore 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.

6. 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.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)