

13.02.2024
Sl. No.29
akd
[ALLOWED]

C. R. M. (NDPS) 300 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.02.2024 in connection with Rejinagar Police Station Case No.145 of 2021 dated 20.07.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.148 of 2021)

And

In Re: ***Monirul Mondal @ Mandal***

... .. Petitioner

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

... .. for the petitioner

Mr. Debasish Roy .. Id. Public Prosecutor
Mr. Avishek Sinha

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than two years and six months. It is further submitted there is inordinate delay in trial. On such score, co-accused have been enlarged on bail. Accordingly, he prays for bail on parity.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Petitioner is in custody for more than two years. Under such circumstances, co-accused have been enlarged on bail. Petitioner stands on the same footing with the said co-accused. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Monirul Mondal @ Mandal***, 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 District Judge, 5th

Court, 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)