

28.06.2024
Item no.08.
Court No.28.
S. De
(Allowed Partly)

CRM (NDPS) No. 944 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 12.06.2024 in connection with Raghunathganj Police Station Case No. 353 of 2020 dated 15.07.2020 under Sections 20(b)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Mantu Mondal & Anr.

.....Petitioners.

Mr. Sayak Majumder,
.....for the Petitioner no.1.

Ms. Faria Hossain,
Mr. Ivan Roy,for the State.

The State has filed a report in terms of our earlier order.

Let the same be kept on record.

We find that the charge-sheet was filed on January 10, 2021. Charge was framed on February 4, 2022. Summons have not been issued to any of the witnesses. Naturally, witness action has not begun. Nine witnesses are named in the charge-sheet. There is no possibility of an early conclusion of the trial. The petitioner is in custody for over four years.

Keeping in mind the importance of the fundamental right of a citizen to personal liberty and to speedy trial, purely on the ground of delay in trial, we grant bail to the petitioner no.1.

Accordingly, we direct that the petitioner no.1, namely,

Mantu Mondal shall be released on bail upon furnishing a bond of Rs.25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the N.D.P.S. Act at Berhampore, Murshidabad, and on further conditions that she shall remain within the jurisdiction of the concerned police station.

The petitioner no.1 shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner no.1 fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner no.1's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

CRM (NDPS) No. 944 of 2024 is disposed of.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)