

11.07.2024
Item no. 35.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1080 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Airport Police Station Case No.247 of 2023 under Sections 20(b)(ii)(C)/25/28/29 of the NDPS Act

And

In the matter of : Ajijur Mondol & Anr.

.....Petitioners.

Mr. Nigam Ashish Chakraborty,
Mr. Agniva Banerjee,
Ms. Salma Sultan Shah for the Petitioners.

Ms. Sonali Das,
Ms. Dhanasree Biswas for the State.

Order dictated in open Court by Apurba Sinha Ray, J.

Learned Counsel for the petitioners has submitted that they are in custody for about 218 days. Investigation has already been completed. They were the helpers of the truck from which contraband was seized. As the investigation is complete, they may be granted bail on any condition.

Learned Counsel for the State has raised objection. According to her, there were three drivers in the said car with driving licences and the petitioners are two of such drivers. From the secret chamber of the said truck, 290 kilograms of ganja have been recovered. If the petitioners are granted bail, the prosecution may suffer a lot. However, she has admitted that there is no criminal antecedent of the present petitioners.

We have considered the material on record and CD. We find that the investigation is complete. There are 16 witnesses in all. The charge has not yet been framed. Considering the material on record, it appears that there is no chance of an early conclusion of the trial. We have also considered the judicial decision reported in **State of Rajasthan Vs Parmanand & Anr.** reported at **2014(5) SCC 345**. Considering all the aspects, we are inclined to enlarge the petitioners on bail, but on stringent conditions.

Accordingly, we direct that the petitioners, namely **Ajijur Mondol and Raja Mondol** shall be released on bail upon furnishing a bond of Rs.25,000/- each, with two sureties of like amount each, both of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act at Barrackpore, and on further conditions that they shall not leave the jurisdiction of the District South 24 Parganas and shall report to the Investigating Officer as and when called for until further orders.

The petitioners 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 petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

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.)