

16.07.2024  
Item no. 42.  
Court No.28.  
AB  
(Allowed)

**CRM (NDPS) 1109 of 2024**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Krishnaganj Police Station Case No.341 of 2022 Dated 15.9.2022 under Sections 21C of the NDPS Act

And

**In the matter of : Jahangir Mondal**

**.....Petitioner.**

Mr. Imtiaz Ahmed,  
Mr. Ghazala Firdous,  
Mr. M. Islam

.....for the Petitioner.

Mr. S. S. Imam,  
Mr. S. Balial

.....for the State.

The petitioner renews his prayer for bail, which was rejected earlier on November 28, 2023. The petitioner says that he is in custody for one year ten months. Only 3 out of 21 charge sheet named witnesses have been examined. There is no possibility of an early conclusion of the trial. He should be enlarged on bail.

Learned Advocate for the State says that July 23, 2024, has been fixed as the next date for examination of witnesses. There is sufficient incriminating material against the petitioner. He should not be granted bail, at this stage.

The prosecution may have very strong evidence against the accused persons. However, the under-trials cannot be indefinitely detained in custody. This would infringe their fundamental rights under Article 21 of the Constitution, which

cannot be permitted. We see no possibility of the trial concluding at an early date. Solely on the ground of delay in trial, we grant bail to the petitioner.

Accordingly, we direct that the petitioner, namely **Jahangir 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 NDPS Act at Krishnagar, Nadia and on further conditions that he shall not leave the jurisdiction of Krishnaganj Police Station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

The petitioner 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 fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's 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.)**

