

CRM (NDPS) 1130 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Murshidabad Police Station** Case No. **730 of 2023** dated **27.09.2023** under Sections **20(b)(ii)/29** of the NDPS Act.

- A n d -

In the matter of : Sripati Mondal @ Shripati Mondal

.... Petitioner.

Mr. Somnath Adhikary,
Mr. Biswajit Sarkar,

... For the Petitioner.

Mr. Saibal Bapuli,
Mr. Mamata Jana,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he is in custody for 330 days. Charge is yet to be framed. There are 15 witnesses. There is no possibility of an early conclusion of the trial. 15 kgs i.e., below commercial quantity of ganja was allegedly recovered from him. He prays for bail.

2. Learned Additional Public Prosecutor, while opposing the prayer for bail, says that in all 27 kgs of ganja was seized from the accused persons on different dates. Charge is likely to be framed on September 19, 2024.

3. We have considered the material placed before us. The petitioner is 63 years of age. He has already been in custody for about 11 months. Charge is yet to be framed. There is no likelihood of the trial concluding at an early date.

4. Keeping in mind the paramount importance of a citizen's fundamental right to personal liberty and speedy trial, we are

inclined to enlarge the petitioner on bail solely on the ground of delay in progress of the trial.

5. Accordingly, we direct that the petitioner, namely, **Sripati Mondal @ Shripati 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 Special Judge under the NDPS Act, Berhampore, Murshidabad and on further conditions that he shall not leave the jurisdiction of the concerned 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 in any manner whatsoever.

6. 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.

7. The application for bail is, accordingly, allowed.

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

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)