

06
29-08-2024
(ct. no.28)
KOLE
Allowed

CRM (NDPS) 1279 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Special Task Force Kolkata Police Station** Case No. **10 of 2020** dated **16.02.2020** under Sections **21(c) /29** of the NDPS Act.

- A n d -

In the matter of : Jasimuddin Mandal

.... Petitioner.

Mrs. Riya Jhapri,

... For the Petitioner.

Mr. Ranadeb Sengupta,

Mrs. P. Sahu,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner claims parity. He cites an order dated July 3, 2024 passed by this Bench in CRM (NDPS) 941 of 2024, wherein a co-accused person, namely, Sunil Hawladar was enlarged on bail on the ground of inordinate delay in progress of the trial. The petitioner says that he is in custody for more than four years and four months.

2. Learned Advocate for the State while opposing the prayer for bail points out that by an order dated July 17, 2023 passed in CRM (NDPS) 1266 of 2023, a Coordinate Bench had granted two years time for completion of the trial.

3. Be that as it may, four years and four months is a long period of time. We are told that 2 out of 13 witnesses have been examined till now. It is unlikely that even within the time period granted by the Coordinate Bench, the trial will conclude.

4. Accordingly, without commenting on the merits of the case, solely on the ground of delay, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Jasimuddin Mandal**, 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 City Sessions Court Judge, Bench-I under the NDPS Act, Calcutta and on further conditions that he shall not leave the jurisdiction of the municipal limits of Kolkata Municipal Corporation and shall give his current address to the Officer-in-Charge of the Police Station within which he will reside 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.)