

CRM (NDPS) 1290 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Matia Police Station** Case No. **56** of **2022** dated **18.02.2022** under Sections **21(c)** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Bishu Mondal & Anr.

.... Petitioners.

Mr. Angshuman Chakraborty,
Mr. S.S. Saha,

... For the Petitioners.

Mr. Ranadeb Dasgupta,
Mr. Karan Bapuli,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioners pray for bail on the ground of inordinate delay in progress of the trial. They are in custody for 2 years and 7 months. Only 2 out of 10 chargesheet named witnesses have been examined.
2. Learned advocate for the State, while opposing the prayer for bail, says that on the last seven occasions the prosecution witness failed to turn up.
3. It is, therefore, clear that there is no possibility of early conclusion of the trial. The fundamental right of a citizen to speedy trial and person liberty must be given due importance.
4. Solely, on the ground of delay in progress of trial, we allow the prayer for bail.
5. Accordingly, we direct that the petitioners, namely, **Bishu Mondal** and **Salam Mondal** shall be released on bail upon

furnishing a bond of Rs. 25,000/- each, 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), Barasat, 24-Parganas and on further conditions that they 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.

6. 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 in any manner whatsoever.
7. 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.
8. The application for bail is, accordingly, allowed.
9. 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.)