

17.09.2024
Item no. 48.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1401 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gangarampur Police Station Case No.443 of 2020 Dated 27.12.2020 under Section 21C/22C/23C/27A/28/29 of the NDPS Act

And

In the matter of : Mina Mondal @ Mina Mandal

.....Petitioner.

Mr. Kaushik Choudhury
Ms. Busra Khatunfor the Petitioner.

Mr. Shuvomoy Bhattacharya
Ms. Dhanasree Biswasfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner complains of inordinate delay in progress of the trial. She says that she is in custody for about two years and three months. Only 6 out of 14 charge sheet named witnesses have been examined. There is little possibility of early conclusion of the trial. In any event, she had no role to play in the alleged offence. She was not in the car when the same was apprehended and 100 bottles of phensedyl syrup were seized. The car was being driven by the petitioner's son. Primarily on the ground of delay in progress of the trial, the petitioner renews her prayer for bail.

2. Opposing the prayer for bail, learned State Counsel points out that the petitioner is the registered owner of the car from which commercial quantity of contraband items was seized. Her prayer for bail was rejected twice earlier. All efforts will be made to expedite the trial.
3. We have considered the facts and circumstances of the case. The petitioner is a 63 year old lady. The possibility of her son having misused the car standing in his mother's name cannot be ruled out. In any event, she is in custody for a long period of time. There is little chance of the trial concluding at an early date.
4. Solely on the ground of delay, we allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **Mina Mondal @ Mina 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 Judge, Special Court under the NDPS Act at Balurghat, Dakshin Dinajpur, and on further conditions that she shall not leave the jurisdiction of the concerned police station until further orders and shall cooperate with the investigation.
6. 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.

7. 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.
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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)