

CRM (NDPS) 1485 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS 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 : Jagadish Mondal & Anr.

.... Petitioners.

Mr. Somnath Adhikary,
Mr. Biswajit Sarkar,

... For the Petitioners.

Mr. S. S. Imam,
Mr. Santanu Deb Roy,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioners claim parity citing an order dated August 19, 2024, passed in CRM (NDPS) 1130 of 2024, whereby this Bench enlarged a co-accused person on bail, namely, Sripati Mondal @ Shripati Mondal, solely on the ground of delay in progress of trial. The petitioners say that they stand on the same footing as the said Sripati Mondal in so far as the delay issue is concerned.

2. Learned Advocate for the State says that the petitioner no. 1 is a habitual offender. However, in his usual fairness, learned Advocate for the State does not dispute that these petitioners are similarly circumstanced as the said Sripati Mondal in so far as the delay issue is concerned.

3. We see that the petitioners are in custody for about one year. Charge is yet to be framed. There are 15 witnesses.

4. Hence, solely on the ground of delay in progress of the trial, we enlarge the petitioners on bail.

5. Accordingly, we direct that the petitioners, namely, **Jagadish Mondal and Sworna Mondal @ Swarno 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 Additional Chief Judicial Magistrate, Berhampore, Murshidabad 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. 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.

6. 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.

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.)**