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02-12-2024
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 1516 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Kaliachak Police Station Case No.1391 of 2022 dated 03.12.2022 under Sections 21(C), 27A, 29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Silip Mandal @ Shilip.

.... Petitioner.

Mr. Arup Kr. Bhowmick,

... For the Petitioner.

Mr. Antarikho Basu,

Mr. Raju Mondal,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for two years. He was arrested on December 2, 2022. He has been falsely implicated. In any event, he should be enlarged on bail in view of the lack of sufficient progress in trial.
2. Opposing the prayer, learned State counsel says that 6 out of 11 chargesheet named witnesses have already been examined. All efforts would be made to conclude the trial on an early date.
3. Two years is a long period of time. 5 witnesses remain to be examined. It appears from records that warrant had to be issued against some of the prosecution witnesses. One cannot say with certainty that the trial will conclude at an early date. Without touching the merits of the case, solely on the touchstone of Article 21 of the Constitution of India, we are inclined to enlarge the petitioner on bail.

4. Accordingly, we direct that the petitioner, namely, **Silip Mandal @ Shilip** shall be released on bail upon furnishing a bond of Rs. 25,000/ with two sureties of Rs.12,500/- each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court (under the NDPS Act), Malda, subject to the condition that the petitioner shall remain within the jurisdiction of Malda Police Station and shall meet the Inspector-in-Charge, Malda Police Station, once in a week until further orders.
5. 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.
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.)