

34. 27.11.2024
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1533 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Kaliyaganj** Police Station **Case No. 614/2021** dated **01.11.2021** under Sections **21/22** of the NDPS Act, 1985.

And

In the matter of: - **Kamal Mondal**

...petitioner.

Mr. Jisan Iqubal Hossain

...for the petitioner.

Mr. Imaran Ali

Mr. Najraut Tohid

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner complains that he is in custody for more than three years. Trial is yet to conclude. On the touchstone of Article 21 of the Constitution of India, he prays for bail.
2. Opposing the prayer for bail, learned State Advocate tells us that 25 bottles of phensedyl syrup containing codeine phosphate, which is a contraband item, was seized from the possession of this petitioner who is the sole accused in this case. The delay was because the FSL report was made available only this year.
3. Whatever the cause of the delay be, it is not the case of the prosecution that the petitioner is to any extent responsible for the delay in the progress of trial. Although we are told that 10 out of 12 charge-sheet named witnesses have been examined, still going by the past conduct of the case,

nobody can say when the trial will conclude. The petitioner is in incarceration for a very long period of time.

4. In view of the above, without touching the merits of the case and purely keeping in mind the importance of an under-trial person's fundamental right to personal liberty and speedy justice, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Kamal Mondal** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, Raiganj, Uttar Dinajpur, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not leave the territorial jurisdiction of Kaliyaganj Police Station except for the purpose of attending Court proceedings and shall report to the Inspector-in-Charge/Officer-in-Charge of Kaliyaganj Police Station, once in a week, until further orders.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause,

the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail being CRM (NDPS) 1533 of 2024 is accordingly disposed of.
8. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)