

32. 02.12.2024
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1606 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 **Shalimar GRPS Case No. 18/2023** dated **13.8.2023** under Section **20(b)(ii)(c)** of the NDPS Act, 1985.

And

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

...petitioner.

Mr. Sabyasachi Chatterjee
Mr. Omar Faruk Gazi
Mr. Badrul Karim
Mr. Kiron Sk
Mr. Dipankar Das

...for the petitioner.

Mr. Madhu Sudan Sur, Ld. APP
Ms. Debjani Dasgupta

...for the State.

Dictated by Arijit Banerjee, J.

1. Memo of Evidence filed in Court today be kept with the records.
2. The petitioner says that she is in custody for more than one year and three months. Witness action has not yet begun. There are 16 charge-sheet named witnesses. There is no possibility of an early conclusion of the trial. She prays for bail on the touchstone of Article 21 of the Constitution of India.
3. While opposing the prayer for bail, learned Additional Public Prosecutor (APP) says that about 82 Kgs. of *ganja* was seized from the accused persons including this petitioner.

December 7, 2024 and December 9, 2024, have been fixed as the dates for examination of witness. There is sufficient incriminating material against this petitioner. Bail should not be granted to her.

4. On the last date, i.e. November 27, 2024, we had asked the State to file a status report indicating the stage of the trial. We specifically had directed that the report shall indicate how many witnesses the prosecution intends to examine and the time-frame within which the prosecution expects the trial to conclude. Learned APP says that he personally communicated that order to the Investigating Officer through Whatsapp and also personally spoke with him over telephone.
5. However, in the Memo of Evidence there is no indication as to how many witnesses the prosecution intends to examine. We, therefore, take it that the prosecution would examine all 16 charge-sheet named witnesses. Hence, there is no possibility of an early conclusion of the trial.
6. We also note that charge-sheet was filed on November 30, 2023. Charge was framed on July 25, 2024. In other words, after filing of charge-sheet, it took eight months for the prosecution to frame the charge. The petitioner is in custody for one year and three months. At the pace the proceeding is progressing, it may take years together for the trial to conclude.

7. Hence, without touching the merits of the case, purely on the ground of delay in progress of the trial and the lengthy custodial detention of the petitioner, who is a lady, we are inclined to allow her prayer for bail.
8. Accordingly, we direct that the petitioner, namely, **Anjali 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 (Additional Sessions Judge, 3rd Court), Howrah, 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 Haridevpur Police Station, South 24-Parganas, except for the purpose of attending Court proceedings, until further orders.
9. 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 her bail in accordance with law without further reference to this Court.

10. The application for bail being CRM (NDPS) 1606 of 2024 is accordingly disposed of.
11. 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.)