

CRM (NDPS) 55 of 2025

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 **Golabari Police Station Case No. 191 of 2023 dated 14.06.2023 under Sections 21(c)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Monu Sekh.

.... Petitioner.

Mr. Joy Chakraborty,

Mr. Sandip Dinda,

... For the Petitioner.

Ms. Faria Hossain,

Ms. Purnima Ghosh,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner is aggrieved that she is in custody for about 1 year and 8 months. Charge was framed in February 2024. Since then nothing has progressed. Not a single witness, out of 13 chargesheet named witnesses, has been examined. She prays for bail on the touchstone of Article 21 of the Constitution of India.
2. Learned State advocate says that chargesheet was submitted in November 2023. She also says that charge was framed in February 2024. However, she has no explanation why there has been no progress after that.
3. We see that the petitioner is a 58-year old lady. She is in custody for a long period of time. The trial has not even started in the sense that witness action has not begun. Keeping in mind that there are 13 chargesheet named witnesses, there is no possibility of an early conclusion of the trial.

4. Hence, without touching the merits of the case and solely on the ground of delay in progress of trial and prolonged detention of the petitioner which infringes her fundamental right to personal liberty and speedy trial enshrined in Article 21 of the Constitution of India, we feel constrained to allow her prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Monu Sekh** 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), Howrah, subject to the condition that the petitioner shall remain within the jurisdiction of the Jibontala Police Station until further orders.
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 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 interim bail in accordance with law without further reference to this court.
8. The application for bail is, thus, allowed.
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.)