

### **CRM (NDPS) 177 of 2025**

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **English Bazar Police Station** Case No. **765 of 2021** dated **06.07.2021** under Sections **20(b)(ii)(c)/29** of the NDPS Act.

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**In the matter of : Sabir Mondal**

.... Petitioner.

Mr. S. Bhattacharyya,  
Ms. Sarmistha De,

... For the Petitioner.

Mrs. Anasuya Sinha,  
Ms. Afreen Begum,

... For the State.

#### **Order dictated by Arijit Banerjee, J.:**

1. The petitioner claims parity citing an order dated December 13, 2024 passed by a Coordinate Bench in CRM (NDPS) 1828 of 2024 as also an order dated September 23, 2024 passed by the Hon'ble Apex Court in Criminal Appeal No. 3941 of 2024, whereby two co-accused persons by the names of Babun Mandal and Sribas Haldar respectively, have been granted bail. The petitioner says that he stands on the same footing as he is also in custody for three years eight months.

2. Learned State Advocate tells us that a co-accused person had filed a discharge petition which was rejected by the Learned Trial Court. Such order of rejection was challenged by that person by filing a criminal revisional application before the High Court. That revisional application has succeeded. In the meantime, the trial could not be proceeded with. Now, March 11, 2025 has been fixed as the date for recording of evidence.

3. We see that the petitioner is in custody for three years eight months. Not a single witness out of 18 charge sheet named

witnesses has been examined. It is anybody's guess when the trial will conclude.

4. The fundamental right of a citizen to personal liberty and speedy trial can hardly be over-emphasized. Ordinarily, such right must override all other considerations. The prosecution may have a very strong case against this petitioner to secure his conviction. That would not, however, justify indefinite incarceration of the petitioner without the trial being carried to its logical conclusion. We do not see that the delay in progress of the trial can be attributed to any extent to the petitioner.

5. Hence, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are constrained to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Sabir Mondal**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under the NDPS Act, Malda subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not leave the jurisdiction of the district of North 24 Parganas except for the purpose of attending court proceeding and shall meet the I.C. of Habra police station twice every week until further orders.

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 bail in accordance with law without further reference to this court.

8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**( Prasenjit Biswas, J. )**

**( Arijit Banerjee, J. )**