

CRM (NDPS) 191 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 **Hasnabad Police Station** Case No. **77 of 2023** dated **27.02.2023** under Sections **20(b)(ii)(c)** of the NDPS Act.

- A n d -

In the matter of : Rajkumar Mondal

.... Petitioner.

Ms. Anita Kaunda,

... For the Petitioner.

Mrs. Sreyashee Biswas,
Mr. D. Das,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Status report filed by the State be kept with the records.
2. From the report we find that 2 out of 16 charge sheet named witnesses have been examined by the prosecution till date.
3. The petitioner is in custody for more than two years. He prays for bail on the touchstone of Article 21 of the Constitution of India.
4. Learned State Advocate opposes the bail prayer. She says that around 60 kgs of ganja was seized from the vehicle which was being driven by the petitioner. There has been some delay in progress of the trial because a co-accused person was absconding. All efforts will be made to conclude the trial on an early date.
5. We see that charge was framed on May 6, 2024. Since then, 10 months have elapsed. Only 2 witnesses have been examined. At this pace, it is anybody's guess when the trial will conclude.

6. We have often said that the prosecution may have a very strong case to secure the conviction of an accused person. That *per se* would not justify an unreasonably long period of detention of the accused person without taking the trial to its logical conclusion. It has also not been pointed out by the State that this petitioner has any criminal antecedents.

7. In the present case, 14 more witnesses are to be examined by the prosecution. We do not see any real possibility of an early conclusion of the trial.

8. Hence, without touching the merits of the case and solely on the ground of inordinate delay in progress of the trial and there being no possibility of an early conclusion of the trial, we feel impelled to enlarge the petitioner on bail.

9. Accordingly, we direct that the petitioner, namely, **Rajkumar 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, Barasat, North 24 Parganas 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 enter the jurisdiction of the concerned police station and shall meet the O.C./I.C. of concerned police station, where he will reside, twice in every week until further orders.

10. 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.

11. The application for bail is, accordingly, allowed.
12. 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.)