

29.04.2025

akb
Sl. 32
Ct.29
Allowed

CRM (NDPS) No. 352 of 2025

In re: An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS Case No. 193 of 2021, arising out of Bhagwangola Police Station Case No. 423 of 2021 dated 13.09.2021 under Sections 21(c) of the NDPS Act, 1985 and charge sheet submitted under Sections 21(c) of the NDPS Act, 1985.

And

In re: Dedarbox Mondal @ Boxo @ Dedar Baus Mandal

... petitioner.

Mr. Tapodip Gupta

...for the petitioner.

Mr. Subhamoy Bhattachary

Mr. S. Kundu

...for the State.

Learned Counsel appearing on behalf of the petitioner submits that the petitioner is aged about 78 years and he is in custody for about three years and seven months. He further submits that recording of evidence has been concluded and the next date is fixed for argument but from the certified copy of the evidence adduced by the prosecution witnesses it goes to show that prosecution could not prove the imputations against the present petitioner.

In this context he pointed out that the PW 1, who is complainant failed to identify the accused person. PW 2 has not stated anything before the Court. PW 3, who is an accompanying civic volunteer also failed to identify the petitioner. He further submits that the seizure witnesses, namely, PW 6 and PW 7 submitted before the Court below that they put signature on blank white paper as per the instruction of the Police. In such view of the matter, petitioner prays

for bail in any terms and conditions.

Learned Counsel appearing on behalf of the State leaves the prayer for bail to the discretion of the Court.

I have considered the submissions made on behalf of both the parties. In view of the fact that the petitioner has suffered long incarceration and that he is aged about 78 years and also considering the fact that recording of evidence has already been concluded and his further detention may not be required for hearing of argument and delivery of judgment, the prayer for bail made by the petitioner is allowed.

In such view of the matter, petitioner, **Dedarbox Mondal @ Boxo @ Dedar Baus Mandal** shall be enlarged on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of whom must be local, subject to the satisfaction of learned CJM, Berhampore, Murshidabad and also on condition that the accused shall not mis-use the liberty granted by this Court and he shall not tamper with any evidence orally or documentary during the trial. He shall not absent himself on any day during trial and shall not commit any offence while on bail. He shall give his mobile phone number to the local police station and shall not change it without prior permission of the Trial Court and he shall not in any manner try to delay the trial. The petitioner shall not leave the jurisdiction of Court without taking leave from the Court below. The Court below will be at liberty to cancel the bail in the event of violation of any of the conditions without making any reference to this Court.

Be it mentioned, that nothing said herein shall be construed as

an expression of opinion on the merits of the case.

The application for bail being **CRM (NDPS) 352 of 2025** is, accordingly allowed and disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)