

06.05.2025
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AB
Allowed

C.R.M. (NDPS) 380 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with TR(NDPS) Case no.08 of 2024 arising out of Egra Police Station case no.412 of 2024 dated 26.06.2024 under Sections 20(b)(ii)(c)/25/28/29 of the NDPS Act, 1985.

And

In the matter of : **Sajahan Mondal @ Sahajan Mondal**

.... Petitioner

Mr. Amal Krishna Samanta ...for the Petitioner

Mr. Abhishek Sinha,
Ms. Diksha Ghosh ...for the State

It is submitted on behalf of the petitioner that the petitioner is entitled to get default bail under Section 167(2) of the Code of Criminal Procedure, 1973 (Section 187 of the Bharatiya Nagarik Suraksha Sanhita, 2023) read with Section 36(A)(4) of the NDPS Act as the Investigating Officer of the case could not submit the charge sheet within the statutory period of 180 days.

It is further submitted that the accused petitioner was remanded first on 26.06.2024 and as such, the Investigating Agency was required to submit the charge sheet within December 22, 2024, but the charge sheet was submitted on December 23, 2024 and as such, the petitioner is entitled to get default bail.

In this context, he also relied upon the judgment passed in **Enforcement Directorate, Government of India Vs Kapil Wadhawan & Anr.** reported **in (2024) 7 SCC 147.**

In this context, the petitioner further submits that a co-accused person, namely, Navin Kumar @ Navin Mondal made the prayer for bail before this High Court being CRM (NDPS) 101 of 2025 on the same ground of default bail and this Court granted him bail excluding the first date of remand while computing the statutory period of 180 days.

In this context, reliance was placed upon ***Ravindran Vs Intelligence Officer Director*** reported in ***(2021) 2 SCC 485***.

Learned Counsel appearing on behalf of the State, in her usual fairness, submits that the present petitioner is almost on the same footing with that of the petitioner in CRM (NDPS) 101 of 2025.

Section 36(A)(4) of the NDPS Act as well as Section 167(1)(2) of the Code of Criminal Procedure, 1973 prescribe the maximum period for which an accused person can be remanded in judicial custody without filing a charge sheet. Section 36(A)(4) of the NDPS Act provides that if the investigation cannot be completed within the period of 180 days, the Special Court may grant further time upto one year if the report of the Public Prosecutor indicates progress of the investigation along with reasons for detaining the accused beyond 180 days.

It is also submitted that the present accused petitioner was arrested on the same date along with the said co-accused person and as such, he may be enlarged on bail on any terms and conditions.

Having heard learned Counsel appearing on behalf of the petitioner and the State and that the present petitioner is almost on the same footing with that of the petitioner, namely, Navin Kumar @ Navin Mondal, in CRM (NDPS) 101 of 2025 and that the charge sheet could not be submitted within the statutory period of 180 days and that there was no prayer for extension of the said period on behalf of the Public Prosecutor within the said period, the prayer for bail is considered and allowed.

Accordingly, the petitioner namely, **Sajahan Mondal @ Sahajan Mondal** shall be released on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10000/-each, of which one must be local, subject to the satisfaction of the learned Judge, Special Court under the NDPS Act at Tamluk, Purba Medinipur, and also on condition that the accused person 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 him 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 anything said herein shall not be construed as an expression of opinion on the merit of the case.

Accordingly, CRM (NDPS) 380 of 2025 is disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)