

17/06/2025

D/L 41
Ct. No.29
S.Kundu
Allowed

C.R.M.(NDPS) 392 of 2025

In Re:- An application for bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 439 of the Code of Criminal Procedure. In connection with NCB Crime No. 17/NCB/Kol/2021 dated 23.05.2021 under Section 21(C)/28/29 of the NDPS Act read with 8(c) of the NDPS Act.

In the matter of: Dipak Mandal @ Deepak

... Petitioner

Mr. Arup Kumar Bhowmick

...for the petitioner.

Mr. Somnath Adhikary

Ms. Tanusree Ghosh

...for the NCB.

1. Report submitted by the NCB is taken on record.
2. It is submitted on behalf of the petitioner that the petitioner is in custody since 23rd May, 2021 i.e. about four years one month and 1350 bottles of phensedyls containing coding phosphate was recovered from the possession of the two accused persons including the present petitioner. He further submits that out of other five accused persons, three are on bail and two have been discharged by this High Court. He further submits that the prosecution proposes to examine six witnesses out of which they could examine only two witnesses and nobody knows when the trial would be concluded as such the prayer for bail may be allowed on any terms and conditions.

3. Learned counsel appearing on behalf of the NCB submits that out of seven accused persons, two accused persons preferred revisional application before this Court being CRR 2385 of 2023 and CRR 2427 of 2023, wherein this Court granted stay and for which the trial got delayed. However, the said two accused persons have been discharged by this High Court and as such the trial would be concluded shortly.
4. I have considered the submissions made on behalf of the parties. Considering the period of detention and that out of six witnesses only two witnesses could be examined so far and that the delay cannot be directly attributable to the present petitioner, since he had not prayed any revisional application before this Court and considering all these only on the touchstone of Article 21 of the Constitution of India, the prayer for bail made by the petitioner is allowed.
5. Accordingly, the petitioner namely, Dipak Mandal @ Deepak shall be released on bail upon furnishing a bond of Rs.20,000/- with two registered sureties of Rs.10,000/- each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Malda and also on condition that the petitioner shall not leave the geographical limit of district of Malda, without the leave of the trial Court till further order and also on condition to report the Inspector-in-Charge, Kaliachak Police Station once in a week till further order.

6. It is further ordered that the accused person shall not misuse 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 cell phone numbers 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 the trial court without taking leave from the Court below. In case of violation of any of the conditions the trial Court will be at liberty to cancel the bail without making any further reference to this Court.
7. Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merit of the case.
8. Accordingly, CRM (NDPS) 392 of 2025 is disposed of.
9. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)