

25.06.2025

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Allowed

C.R.M. (NDPS) 460 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. 73 of 2022 arising out of Dalkhola Police Station case no. 304 of 2022 dated 19.10.2022 under Sections 22(c) of the NDPS Act, 1985.

And

In the matter of : **Jillar Mondal @ Jilleur Mondal**
@ Jillieur Mondal @ Ziller Mandal @ Jilla
.... Petitioner

Mr. Navanil De
Mr. Srijan Ghosh

...for the Petitioner

Mr. Sanjay Banerjee
Ms. Rajnandini Das

...for the State

Report submitted by the Inspector of Police, Special Task Force, Malda Unit dated 16.6.2025, which discloses the list of dates and status of the case pending before the Trial court, is kept with the record.

Petitioner submits that nothing was recovered from his possession. The allegation against him is that at the time of alleged recovery of 20,000 yaba tablets from the possession of the co-accused persons, the petitioner herein allegedly fled away from the spot. He was arrested three days thereafter and he is in custody for about two years and eight months. He further submits that the charge was framed in this case on 8th June, 2023 but the prosecution could examine only 4 witnesses out of 16 charge-sheeted witnesses, for the last two years since framing of charge. He further submits that nobody knows when the trial would be concluded and as such, he may be granted bail on any terms and conditions.

Learned counsel for the State opposed the prayer for bail and contended that the petitioner had direct involvement with the alleged occurrence and he could somehow managed to escape from the spot at the time of seizure. However, phone call details collected during investigation, clearly show that he had made regular communication with the other accused persons. She further submits that the trial would be concluded within short span of time.

Having considered the submissions made on behalf of both the parties and that the petitioner is in custody for about two years and eight months and that out of 16 charge-sheeted witnesses, only four witnesses could be examined so far since the last two years and nobody knows when the trial would be concluded, the prayer for bail made on behalf of the petitioner is allowed solely on the touchstone of the Article 21 of the Constitution of India.

Accordingly, the petitioner namely, **Jillar Mondal @ Jilleur Mondal @ Jillieur Mondal @ Ziller Mandal @ Jilla** 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 Chief Judicial Magistrate, Uttar Dinajpur 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 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 geographical limit of District of Uttar Dinajpur without taking leave from the court below and shall meet the Investigating Officer, Dalkhola Police Station once in a week until further order. 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) 460 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.)