

23.05.2025
akb
Sl. 57
Ct.29
Allowed

CRM (NDPS) No. 476 of 2025

In re: An application for bail under Section 439 of the Criminal Procedure Code as amended/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Englishbazar Police Station Case No. 722/2024 dated 06.06.2024 in NDPS Case No. 40/24s under Section 21(c)/29 of the N.D.P.S. Act, 1985.

And

In re: Chiranjit Mandal **... petitioner.**

Mr. Kazi M. Rahaman ...for the petitioner

Mr. Arijit Ganguly
Ms. Suveni Banerjee ...for the State.

It is submitted on behalf of the petitioner that nothing was recovered from the possession of the petitioner and he has been arrested on the basis of the statement of the co-accused and he is in custody for about two months. He further submits that out of nine charge-sheeted co-accused, five have already been obtained bail and that charge have been framed but trial has not yet been started and the prosecution proposes to examine 10 witnesses. According to the prosecution case 180 bottles of phensedyl was recovered from a mango-tree garden and, seeing the police personnel, accused persons fled away.

Learned Counsel appearing on behalf of the State opposed the bail prayer but she in her usual fairness submits that nothing was recovered from the possession of the present petitioner. She also submits that the trial has not yet been started and they have proposed to examine ten witnesses. She also submits that report does not suggest any criminal antecedents in respect of the present petitioner.

Having considered the submissions made on behalf of petitioner

and the State, I find that rigour of Section 37 of the NDPS Act may not attract in the present context in respect of the present petitioner.

In such view of the matter, petitioner namely, **Chiranjit 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 Chief Judicial Magistrate, Malda and on condition that he will not leave the geographical limit of district Malda without taking permission from the Trial Court and also on condition that he will meet Officer-in-Charge, Englishbazar Police Station once in a week till further order 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 Court below will be at liberty to cancel the bail in the event of violation of any of the conditions without making any further reference to this Court.

Be it mentioned, that anything said herein shall be construed as an expression of opinion on the merits of the case.

The application for bail being **CRM (NDPS) 476 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.)

