

48
13.08.2025
Ct. 29
Jayanta
Allowed

C.R.M. (NDPS) 660 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. 7 of 2023 arising out of Kaliachak Police Station case no. 35 of 2023 dated 08.01.2023 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Sujan Mandal.**

.... Petitioner

Md. Wasim Akram
Mr. Sabrina Parveen

...for the Petitioner

Ms. Srayashee Biswas
Ms. Jonaki Saha

...for the State

The prosecution case is that 50 bottles of cough syrup containing codine phosphate was recovered from the exclusive possession of the present petitioner.

The petitioner submits that he is in custody for about two years seven months and the prosecution proposes to examine nine witnesses out of which they could examine so far only seven witnesses and they are still required to examine two more witnesses.

He further submits that this is his third bail application before this court and while his bail prayer was rejected earlier on 6th May, 2024 this Court requested the Trial Court to expedite the trial and to conclude the same at an early date. Thereafter, bail prayer of another co-accused Rafikul Mia @ Rafik was

rejected by this Court on 10th April, 2025 where again the Trial Court was requested to conclude the entire proceeding as expeditiously as possible preferably within a period of three months from the next date of hearing. However, the trial has not yet been concluded and the petitioner prays for bail on any terms and conditions on the ground of his long incarceration.

Learned counsel appearing on behalf of the State opposed the bail prayer contending that only two witnesses are required to be examined and the next date is fixed on 17th September, 2025 for examination of P.W. 8 and it is expected that the trial would be concluded within a short span of time.

Having heard learned counsel appearing on behalf of the petitioner and the State and that the petitioner is in custody for about two years seven months and that inspite of previous directions made by this court still there is hardly any chance of early conclusion of trial, the prayer for bail made by the petitioner is allowed only on the touchstone of Article 27 of the Constitution of India.

Accordingly, the petitioner namely, **Sujan Mandal**, 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, Malda 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 Malda without taking leave from the court below and shall report to the Inspector-in-charge, Kaliachak 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) 660 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.)