

21.08.2025
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Allowed

C.R.M. (NDPS) 774 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. 44 of 2021 arising out of NCB Crime No. 17/NCB/KOL/2021 dated 23.05.2021 under Sections 21(C)/28/29 of the NDPS Act, 1985.

And

In the matter of : **Apurva Mandal**

.... Petitioner

Mr. Soumya Nag

Mr. Mayukh Majumder

...for the Petitioner

Mr. Anirban Mitra

...for the UOI/NCB

Learned counsel appearing on behalf of the petitioner submits that according to prosecution case, 1350 bottles of phensedyl containing codeine phosphate was recovered from the possession of two accused persons one of which is the present petitioner. He further submits that the other accused from whom the recovery was made has already obtained bail from this Court on 17th June, 2025 in CRM (NDPS) 392 of 2025 and he is almost on the same footing. He further submits that the petitioner is in custody for four years two months and the prosecution could examine only two witnesses so far out of seven witnesses and the next date is fixed on 6th November, 2025 and as such there is hardly any chance of early conclusion of trial. Therefore, he prays for bail on any terms and conditions.

Learned counsel appearing on behalf of NCB vehemently opposed the bail prayer contending that huge quantity of narcotic substances were recovered from the joint possession

of the petitioner and it is expected that the trial would be concluded within a short span of time and if he is released on bail, there is a chance of his absconsion.

Having considered the submissions made on behalf of both the parties and that the petitioner is almost on the same footing with that of accused Dipak Mandal @ Deepak, who has been granted bail by this Court in CRM (NDPS) 392 of 2025 and that there is no certainty as to when the trial would be concluded, the prayer for bail made by the petitioner is allowed only on the touch-stone of Article 21 of the Constitution of India.

Accordingly, the petitioner namely, **Apurva 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 with further condition not to leave the geographical limit of the Malda District without the leave of the Trial Court and also on condition to report to the O.C./I.C., Kakliachawk Police Station once in a week until further order.

It is further ordered 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 cell 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 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.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merits of the case by this Court.

Accordingly, CRM (NDPS) 774 of 2025 is disposed of.

The learned Trial Court is requested to expedite the trial and to conclude the same within a shortest possible time.

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.)