

08.07.2025

akb
Sl. 17
Ct.29
Allowed

CRM (NDPS) No. 770 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 and/or an application under Section 483 of the BNSS Act, 2023 filed in connection with T.R. Case No. 21 of 2023 arising out of Domjur Police Station Case No. 547 of 2023 dated 03.8.2023 under Section 20(b)(ii)(c) of the N.D.P.S. Act, 1985.

And

In re: Jhantu Molla

... petitioner.

Mr. Sk. Toslim Ali
Ms. Rituparna Bhadra

...for the petitioner

Mr. Iqbal Kabir
Ms. Debjani Sahu

...for the State.

Mr. Sk. Toslim Ali, learned Counsel appearing on behalf of the petitioner submits that the petitioner was arrested on 3rd August, 2023 and since then he is in custody. He further submits 164 kgs of Ganja was allegedly recovered from the joint possession of the petitioner. He further submits that prosecution has proposed to examine nine witnesses and though the charge was framed on 10th April, 2024 but prosecution could not complete examination of a single witness till date. In such view of the matter nobody knows when trial would be concluded and as such he prays for bail on any terms and conditions.

Learned Counsel appearing on behalf of the State opposed the bail prayer contending that examination of PW 1 is going to be concluded shortly and huge quantity of Ganja was recovered from the joint possession of the petitioner as such he is not entitled to be released on bail.

Having heard learned Counsel appearing on behalf of the

petitioner and the State and that though the charge was framed more than one year back but prosecution could not complete examination even at a single witness till date and the evidence of PW 1 is still continuing as reflected in the Trial Court's order dated 24th June, 2025, the prayer for bail made by the petitioner is allowed only on the touchstone of Article 21 of the Constitution of India.

Accordingly, petitioner namely, **Jhantu Molla** 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, Howrah, and on condition that he will not leave the geographical limit of district Howrah without taking permission from the Trial Court and also on condition that he will meet O.C./I.C. Domjur 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 reference to this Court.

Be it mentioned, that nothing said herein shall be construed as an expression of opinion on the merits of the case.

The application for bail being **CRM (NDPS) 770 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.)