

9.9.2025
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Allowed

C.R.M. (NDPS) 1033 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 2023 arising out of NCB Crime no. 20 of 2023 dated 18.6.2023 under Sections 17(c)/21(c)/25/29 of the NDPS Act, 1985.

And

In the matter of : **Chandi Mandal**

.... Petitioner

Md. Wasim Akram

...for the Petitioner

Ms. Krishnendu Bhattacharya

Mr. Sagar Saha

...for the NCB

Learned counsel for the petitioner submits that the petitioner is in custody for about two years and three months and that the prosecution proposes to examine six witnesses out of which only they could examine so far one witness and nobody knows when the trial would be concluded. He further submits that the delay in trial is not attributable to the present petitioner as reflected from the copy of the order-sheet and as such, he may be released on bail on any terms and conditions.

Learned counsel for the NCB opposes the bail prayer contending that the petitioner and his father-in-law, Feku Mandal was involved in preparation of heroin from opium and other raw materials at the house of the Feku Mandal for monetary benefit and CDR connection established link in between the present petitioner and the said Feku Mandal on the day of seizure and also on other dates. He further submits that charge was framed on 2nd March, 2024 and the

prosecution proposes to examine only six witnesses out of which the examination of PW-1 is completed which was a lengthy one. However, the examination of the rest witnesses is expected to be concluded within next four or five months and the next date is fixed on 24th November, 2025.

Having considered the submissions made on behalf of both the parties and that the petitioner is in custody for a considerable period of time and that it is uncertain as to when the trial would be concluded and as such, the prayer for bail made by the present petitioner is allowed only on the touchstone of Article 21 of the Constitution of India.

Accordingly, the petitioner namely, **Chandi 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 O.C./I.C., 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) 1033 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.)