

229. 11.09.2025
Court
No.29. (Pritam)
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1040 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **NCB Crime No.17/NCB/KOL/2023** under Sections **20(b)(ii)(C)/29** of the Narcotic Psychotropic Substance Act, 1985.

And

In the matter of: - **Sanjib Mondal @ Bhagirath Mondal & Anr.**
.....petitioner.

Mr. Soubhik Mitter,
Mr. Liton Maitra,
Ms. Rajnandini Das,
Mr. Chitrak Biswas.

....for the petitioners.

Mr. Aurn Kumar Maiti (Mohanty),
Mr. R.R. Mohanty.

....for the NCB.

Prosecution case is that one 62 kgs. of *ganja* was recovered from a vehicle where these two petitioners were found.

Learned counsel for the petitioners submits that the petitioners are in custody for more than 2 years and 4 months. The charge-sheet was submitted on October 19, 2024 and the prosecution proposes to examine seven witnesses and though the charge was also framed on August 1, 2024 but till date prosecution could examine only one witness and nobody knows when the trial would be concluded and considering the period of incarceration suffered by the present petitioners, they may be

granted bail on any terms and conditions. He further submits that the delay in trial is not attributable to the petitioners.

Learned advocate appearing on behalf of the NCB opposed the bail prayer contending that huge quantity of narcotic substance was recovered from the possession of the present petitioners and that delay in trial is attributable to the accused persons also. He further submits on instruction that if another six months' time is given to the prosecution, they will be able to conclude the trial.

Having heard learned counsel appearing on behalf of the petitioners and also considering the fact that though the charge was framed on August 1, 2024 but for the last one year only one witness could be examined and that November 6, 2025 is fixed for examination of PW-2 and as such there is hardly any chance of early conclusion of trial and considering the same, the prayer for bail by the petitioners is allowed only on the touchstone of Article 21 of the Constitution of India.

Accordingly, the petitioners namely, **Sanjib Mondal @ Bhagirath Mondal & Ram Prasad Dhibar @ Ramprasad Dhibar.** shall be released on bail upon furnishing a bond of Rs.20,000/- with two registered sureties of Rs.10,000/- each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Purba Bardhaman, and also on condition that the accused persons shall not misuse the liberty granted by the Court and they shall not tamper with any evidence orally or documentary during the trial. They shall not

absent themselves on any day during trial and shall not commit any offence while on bail. They shall give their mobile phone to the local police station and shall not change it without prior permission of the NCB and they shall not in any manner try to delay the trial. The petitioners shall not leave the geographic limit of district of Purba Bardhaman without taking leave of the Court and shall report to I.O./O.C. of Purba Bardhaman Police Station once in a week or until further order. The NCB 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.

Accordingly, CRM (NDPS) 1040 of 2025 is disposed of.

Urgent certified copy of this order, duly applied for, be given to the parties upon compliance with all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)