

3.9.2025
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Allowed

C.R.M. (NDPS) 1041 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with N case no. 07 of 2023 arising out of Rajarhat Police Station case no. 18 of 2023 dated 19.1.2023 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Hasan Mondal**

.... Petitioner

Mr. Navanil De
Mr. Srijan Ghosh

...for the Petitioner

Mr. Ranadeb Sengupta
Ms. Eshita Dutta

...for the State

Prosecution case is that 60 bottles of cough syrup containing codeine phosphete was recovered from the joint possession of the present petitioner and one co-accused namely, Hriday Ali Mondal and the present petitioner is in custody for about two years, seven months and 14 days.

Learned counsel for the petitioner submits that while the co-accused, Hriday Ali Mondal was granted bail vide order dated 4.9.2024 in CRM (NDPS) case no. 1321 of 2024, this court recorded that the prosecution proposes to examine nine witnesses but till today, not a single witness has been examined and it is totally unpredictable as to when the trial would be concluded. He further submits that the charge has been framed on 30th November, 2023 and though ten schedules have been fixed but prosecution failed to bring a singly witness till date. He further submits that he is almost on the same footing with that of the co-accused, Hriday Ali

Mondal and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposes the bail prayer but in his usual fairness, he submits that the present petitioner is almost on the same footing with that of the co-accused, Hriday Ali Mondal.

Having considered the submissions made on behalf of both the parties and also considering the period of incarceration suffered by the present petitioner and that it is still uncertain as to when the trial would be concluded and that the petitioner is almost on the same footing with that of the co-accused, Hriday Ali Mondal, 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, **Hasan Mondal** 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, Barasat, North 24 Parganas 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 North 24 Parganas without taking leave from the court below and shall report to the O.C./I.C., Barasat 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) 1041 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.)