

19.03.2025
Serial no. 20
[Dd]
(Bail **allowed**)

CRA (DB) 310 of 2024

In re: An Appeal under Section **21(4)** of the National Investigation Agency Act, 2008 in connection with **NIA Crime No. RC 43/2022/NIA/DLI** dated **20.09.2022** under Sections **120B** of the Indian Penal Code, 1860 read with Sections **4** and **5** of the Explosives Substances Act, arising out of **Mohammad Bazar** Police Station Case No. **209/2022** dated **30.06.2022**.

-And-

In the matter of : RINTU SK. @ MUNTAJ ALI @ MUNTAZ ALI
... .. Appellant

Mr. Sabyasachi Banerjee, Sr. Adv.
Ms. Nahid Ahmed,
Ms. Pragya Banerjee, Advocates
... .. For the appellant

Mr. Arun Kumar Maiti (Mahanty), Spl. PP, NIA
Mr. Bhaskar Prasad Banerjee, Spl. PP, NIA
Mr. Debashish Tandon, PP, NIA
... ..For the NIA

1. Appellant renews the prayer for bail.
2. Learned senior advocate appearing for the appellant submits that, appellant is in custody in excess of 2 years without the possibility of the trial commencing any time in the near future, let alone, concluding. He draws the attention of the Court to the order dated October 17, 2023 passed in CRA(DB) 203 of 2023 rejecting his prayer for bail as also the order dated October 17, 2023 passed in CRA (DB) 262 of 2023 allowing the prayer for bail of another co-accused. He submits that apart from two co-accuseds, all others are on bail either granted by the High Court or by the jurisdictional Court.
3. Learned advocate appearing for the National Investigating Agency (NIA) submits that, appellant does not stand on the same footing as that of the co-accuseds who were granted

bail on October 17, 2023 passed in CRA(DB) 262 of 2023. He refers to the materials in the case diary. He submits that, certain materials were seized from the godown belonging to the appellant. Such materials were sent for forensic examination. He refers to the forensic examination report and submits that the recovery materials were found to be exclusives. He submits that the appellant is one of the persons who is engaged in supply of illegal explosives.

4. In response to a query of the Court, it is submitted at the Bar that the initial charge sheet was submitted on April 26, 2023 with the first supplementary charge sheet being submitted on June 28, 2023 and the second supplementary charge sheet on October 7, 2023.
5. Learned advocate appearing for the NIA submits that the charges could not be framed since the accuseds are filing one discharge application after the other. He points out that the next date fixed is on March 24, 2025 for the purpose of the decision on the pending discharge petition as also for hearing on the framing of charges.
6. NIA submitted charge sheet as against 8 persons. Six are on bail presently. Prayer for bail of the appellant was rejected on October 17, 2023.
7. A period in excess of a year elapsed since the earlier order of rejection. There is hardly any possibility of the trial ending any time in the near future. Apparently, the prosecution proposes to examine more than 100 witnesses at the trial. Charges are yet to be framed.
8. Purely on the ground of Article 21 of the Constitution of India, we grant bail to the appellant.
9. Accordingly, it is directed appellant be released on bail upon furnishing a bond of Rs. 50,000/- (Rupees Fifty Thousand only), with five sureties of like amount each, two of whom must be local, to the satisfaction of the learned Special Court Calcutta under NIA Act on condition that the

appellant shall appear before the trial Court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the appellant while on bail shall not enter the Districts of Birbhum and Paschim Bardhaman until further orders except for attending Court proceedings. He shall reside within the municipal limits of Kolkata and/or Bidhannagar Commissionerate and shall provide the address where he shall presently reside to the Investigating Officer as well as to the Court below and shall report to Deputy SP, NIA, Kolkata once in a week until further orders.

10. In the event, the he fails to appear before the trial Court without justifiable cause, the trial Court shall be at liberty to cancel his bail automatically without reference to this Court.
11. The prayer for bail of the appellant is **allowed**.
12. **CRA (DB) 310 of 2024** is **disposed of**.

(Debangsu Basak, J.)

(Smita Das De, J.)