

CRM (NDPS) 1795 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Jiaganj Police Station** Case No. **270 of 2022** dated **04.10.2022** under Section **22(c)** of the NDPS Act.

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In the matter of : Manoj Mondal

.... Petitioner.

Mr. Jissan Iqbal Hossain,

... For the Petitioner.

Mr. Souvik Ganguly,

Ms. Dona Sanyal,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Report filed by the State be kept with the records.
2. We see that charge sheet was submitted on 07.03.2022. However, charge was framed on May 9, 2024, i.e., after two years two months. Thereafter, there has been no progress in the trial at all. There are 14 charge sheet named witnesses. Not a single witness has been examined. It is not the case of the State that the petitioner is to be blamed, to any extent, for the delay in progress of trial.
3. In view of the aforesaid facts and circumstances of the case, we see that there is no possibility of an early conclusion of the trial. The petitioner is in custody for about two years three months. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to enlarge the petitioner on bail.
4. Accordingly, we direct that the petitioner, namely, **Manoj Mondal**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two sureties of like amount each, one of whom must

be local, to the satisfaction of the Learned Special Judge under the NDPS Act, Berhampore, Murshidabad subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not leave the jurisdiction of the concerned Police Station and shall meet the officer-in-charge of the concerned police station once every fortnight until further orders.

5. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

6. The application for bail is, accordingly, allowed.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)