

24. 16.01.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1836 of 2024

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 **Gaighata** Police Station Case No. **910/2022** dated **27.9.2022** under Section **21(C)** of the NDPS Act, 1985.

And

In the matter of: - **Rafikul Mondal**

...petitioner.

Mr. Kallol Kr. Basu
Mr. Md. Jannat ul Firdous

...for the petitioner.

Mr. Partha Pratim Das
Mr. Abhishek Verma

...for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State in terms of our order dated January 7, 2025, be kept with the records.
2. We see from the report that not a single prosecution witness has been examined till date. Charge was framed on January 8, 2024. Thereafter thirteen dates were fixed. On three of the dates the Presiding Officer was on leave, on nine of the dates the witness was not present and on one date i.e., November 11, 2024, the Presiding Officer was on leave and also no witness was present.
3. The petitioner is in custody for about two years and four months. There is absolutely no chance of an early conclusion of the trial. In fact, witness action has not begun.
4. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel impelled to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Rafikul Mondal** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 6th Court at Barasat, North 24-Parganas, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. The application for bail being CRM (NDPS) 1836 of 2024 is accordingly disposed of.
8. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)