

### **CRM (NDPS) 1905 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 **Matia Police Station** Case No. **245 of 2021** dated **23.06.2021** under Section **21(C)** of the NDPS Act.

- A n d -

**In the matter of : Aftab Uddin Mondal**

.... Petitioner.

Mr. Kallol Kr. Basu,  
Md. J. Ul Firdous,

... For the Petitioner.

Ms. Faria Hossain,  
Ms. Pushpita Saha,

... For the State.

#### **Order dictated by Arijit Banerjee, J.:**

1. Status report filed by the State be kept with the records.
2. We find from the report that 3 out of 11 charge sheet named witnesses have been examined. On the last 14 occasions, no witness was examined. The petitioner is in custody for over three and half years.
3. We have repeated on several occasions that the prosecution may have an iron cast case to secure the conviction of an accused person like this petitioner. Nobody stands in the way of the prosecution doing so. However, an accused person cannot be kept in incarceration for a indefinitely long period of time without bringing the trial to its logical conclusion. This would infringe the fundamental right of an accused person to receive speedy trial and also to personal liberty.
4. In the present case the petitioner has been in judicial custody for a very long period of time. An early conclusion of the trial looks highly unlikely.

5. Without touching the merits of the case and solely on the ground of inordinate delay in progress of the trial coupled with very long detention of the petitioner, we feel impelled to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Aftab Uddin 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, Barasat, North 24 Parganas 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.

7. 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.

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

9. 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.**  )