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10-02-2025
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 2005 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Bagdah Police Station Case No. 22 of 2019 dated 15.01.2019 under Sections 21(C)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

**In the matter of : Prollhad Mondal @ Hepo @ Prahllad Mondal @
Prohlahd Mondal @ Prahllad Mondal.**
.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S.S. Saha, ... For the Petitioner.

Mr. Saryati Dutta,
Ms. Afreen Begum, ... 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 even charge has not been framed.
The petitioner is in custody for about 6 years and 1 month.
There are 8 chargesheet named witnesses. Even papers have not been made over to the petitioner under Section 207 Cr.P.C. (Section 230 of the Bharatiya Nagarik Suraksha Sanhita, 2023).
Trial has not begun. Nobody can say when the trial will conclude.
3. Learned State advocate, opposing the prayer for bail, says that two accused persons, who were granted bail by this Court, are absconding. That is why charge could not be framed.
4. We do not appreciate the stand of the State. If two accused persons are absconding, the records and the trial should have been split up following due process of law. It cannot be

countenanced that until the absconding accused persons are apprehended, trial will not commence.

5. Keeping in mind the primacy of the importance of the fundamental right of a citizen which includes the right to speedy trial and personal liberty, without touching the merits of the case, solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to enlarge the petitioner on bail.
6. Accordingly, we direct that the petitioner, namely, **Prollhad Mondal @ Hepo @ Prahllad Mondal @ Prohlad Mondal @ Prahllad Mondal** shall be released on bail upon furnishing a bond of Rs. 25,000/- with two sureties of Rs.12,500/- each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court (under the NDPS Act), Barasat, North 24-Parganas, subject to the condition that the petitioner shall remain within the jurisdiction of the Bagdah Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge of the Bagdah Police Station, once in a fortnight until further orders
7. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
8. 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.
9. The application for bail is, accordingly, allowed.

10. 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.)