

09.04.2026
Court No.35.
D/L.12.
Rakib
(Allowed)

CRM (DB) 555 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gazole Police Station case no. 610 of 2024 dated 24.07.2024 under Sections 3/4 of the Explosive Substances Act and under Sections 27 & 35 of the Arms Act and under Sections 310(2)/311 of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Masum Reja Mostakin @ Masum Reja.

.....Petitioner.

Mr. Sekhar Kumar Basu, Sr. Adv,
Mr. Diptangshu Basu
Mr. Ashim Das

.....for the Petitioner.

Mr. Jaydeep Biswas

.....for the State.

Learned senior advocate appearing for the petitioner has drawn the attention of the Court that in spite of direction passed on 6th of November, 2025 in CRM (M) 2142 of 2025 to at least examine 12 witnesses by 31st of March, 2026, there has been no progress in the case. The present petitioner is in custody since August, 2024, for more than one year seven months.

Records reflect that there has been no progress in the case and not even an inch has progressed since the direction was passed by this Court.

Report of the Officer reflects that such order was communicated on or about 05.03.2026 to the learned trial Court, by that time there were other administrative assignments to the learned Court and as such the learned trial Court could not take up the matter. It is also reflected that the learned counsel appearing for

one of the accused was suffering from ailments and had been admitted at SSKM Hospital, Kolkata.

The records of the case also reflect that the petitioner was arrested in connection with the case at Kurseong. The same seizures were in respect of the Kurseong police station, there were observations of the learned Magistrate that the seizures were in respect of a case of Gazole police station. However, the seizure list is subject to scrutiny of admission. The seizure list reflects that recovery of one live ammunition of 8 mm and an amount of Rs.1,14,750/-.

This according to the learned advocate appearing for the State is the part of the money of Rs.5.92/- lakhs in respect of the offence committed at the Cooperative Bank. Additionally, the State failed to show that there is any antecedent of this petitioner.

The petitioner is in custody for one year seven months and only one witness has been examined. Prosecution intends to examine 35 witnesses in support of its case. There is no possibility of the trial being taken to its logical conclusion and the earlier directions of this Court also did not yield any result. Consequently, I am of the view that without entering into the merits of the case the petitioner may be released on bail. Accordingly, the prayer for bail of the petitioner is **allowed**.

As such, petitioner namely, **Masum Reja Mostakin @ Masum Reja** shall be released on bail upon furnishing bond of Rs. 20,000/- (Rupees Twenty Thousand only), with two sureties of Rs. 10,000 (Rupees Ten Thousand only) each, one of whom must be

local to the satisfaction of the learned Chief Judicial Magistrate, Malda.

If on bail, the petitioner shall be physically present before the learned trial Court on each and every date and shall not leave the jurisdiction of District of Malda without the prior permission of the learned trial Court.

Additionally, petitioner shall meet with the Officer-in-Charge of Gazole Police Station once in a week for the next three months and once in a fortnight one year thereafter until and unless modified by this Court.

With the aforesaid observations CRM (DB) 555 of 2025 is **allowed.**

Report and memorandum of evidence submitted by the State be kept with the record.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)