

NDPS : 22/2020 (CIS No. 22/2020)

CNR: WBWM01-004719-2020

Present: Smt. Rupanjana Chakrabarti (JO Code WB 00612)

Order No. 36 , Dated: 19.05.2022

Ld. Advocate Mr. Abhijit Sarkar appearing for accused Hyder Mondal moves a petition along with Vokalatnama with a prayer to put up the case record this day for facilitating him to move the bail application for accused Hyder Mondal this day. Copy is served.

The put up petition is considered and allowed.

Accordingly, case record is taken up for hearing bail application for accused Hyder Mondal.

Heard both sides.

Perused the case record. It reveals that the case started on 12.08.2020 u/sec 20 (b) (ii) (C) of the NDPS Act. Charge sheet was submitted on 09.02.2021. Thereafter trial did not commence. Till now the case is awaiting for execution report in respect of accused Jamshed Naser Mondal.

The accused person, namely, Hyder Mondal is in judicial custody since 11.08.2020. The order no. 32 dated 23.02.2022 shows that a reminder has been sent to Chakdaha Police Station for execution of the W/A upon a co- accused person named Jamshed Naser Mondal but there is no report till date. E/R of W/A of the said co-accused person is still pending for indefinite period. The accused is languishing in custody for almost two years without trial. It is now settled law here that even the accused in NDPS case cannot be detained in custody for indefinite period when the prosecution is reluctant to complete the trial. ***Hon'ble Justice, Sri Joymallya Bagchi*** in a decision (***reported on 27.11.2020 following the Judgment of Apex Court in Supreme Court Legal Aid Committee Vs Union of India***) has been pleased to make such observation that bail on the ground of inordinate delay also applies to those accused under NDPS Act. It is available from record that another accused named Gouranga Lashkar of this case was enlarged on bail vide order no. 34 dated 12.05.2022 and this accused named Hyder Mondal is on the same footing as that of the co-accused person named Gouranga Lashkar.

In the circumstances and considering the factual aspect available on record, the bail prayer of this accused Hyder Mondal is allowed on contest. He may find bail of Rs. 5,000/- with two registered sureties of Rs. 2,500/- each subject to the satisfaction of Ld C.J.M, Paschim Medinipur. If on bail, he is directed to appear before this court as and when so directed i.d to J/C.

To date , that is, **30.05.2022** for appearance/production and E/R of W/A.

Prosecution to take steps.

Let a copy of the order be sent to the Ld.C.J.M, Paschim Medinipur for information and taking necessary action.

Dict. & Corr. by me.

Judge, Special Court,
N.D.P.S. Act.
4th Court , Paschim Medinipur.
(In-Charge)

Judge, Special Court,
N.D.P.S. Act.
4th Court , Paschim Medinipur.
(In-Charge)

