

2.12.2021
Court No.01
Item No. 9
Sh/Sb

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

C.R.M. 978 of 2021
(Via Video Conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with NDPS Case No. 23 of 2017 arising out of Alipurduar Police Station Case No. 163 of 2017 dated 26.3.2017 under Sections 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In Re : **Raju Sarkar & Anr.....**

Petitioners

Ms. Amrapali Chaki.....

For the Petitioners

Mr. Nilay Chakraborty
Mr. Aniruddha Biswas.....

For the State

Learned advocate for the petitioner submits that the petitioner is in custody for four years and eight months and till date out of 12 witnesses, only two witnesses have been examined. On various reasons, the trial of the case could not proceed. According to the learned advocate, the petitioners are unnecessarily languishing in jail.

Pursuant to the order dated 25.11.2021, Superintendent of Police, Jalpaiguri has submitted a report regarding the availability of the other witnesses who are to be produced before the court. It has been submitted that the witnesses would be produced on the next date fixed by the Special Court.

In view of the long detention of the petitioners, we direct the learned Special Court to fix at least two schedule in each and every month consisting of five days each so that the trial of the case can be concluded within a period of four months.

Accordingly, the prayer for bail being CRM 978 of 2021 is rejected at this stage.

However, the petitioners would be at liberty to renew their prayer for bail after the period of four months, in case the trial of the case is not concluded within the period as fixed above.

With the aforesaid observations, CRM 978 of 2021 is disposed of.

Registry is directed to intimate this order to the learned Special Court, Jalpaiguri.

Report filed in court today by the Superintendent of Police, be kept with the record.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(TIRTHANKAR GHOSH, J)

(SUBRATA TALUKDAR, J)