

20.12.2021
SL No.54
Court No.1
PJ/SK

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 974 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with New Jalpaiguri Police Station Case No. 413 of 2018 dated 11.06.2018 under Sections 20(b)/23(c) of the N.D.P.S. Act, corresponding to N.D.P.S. Case No. 19/2018.

And

In the matter of : **Rajesh Rai & Ors.**

- Petitioners.

Mr. Jaydeep Kanta Bhowmik
... For the Petitioners.

Mr. A. K. Sarkar,
Mr. Sourav Ganguly
... For the State.

The learned counsel for the petitioners submits that the petitioners are in custody since June 11, 2018 and there is no possibility of prosecution of the trial in the near future.

Pursuant to the direction, the learned Additional District and Sessions Judge, 2nd court at Jalpaiguri has filed a report.

It appears from the report that the trial has already commenced and on December 2, 2021, one witness on behalf of the prosecution was cross-examined and the case has now been fixed on January 11, 2022 for evidence of C.S.W. 4 and 5.

We direct the prosecution to ensure the presence of all the witnesses on the adjourned date and it shall be the duty and

obligation of the prosecution to produce all the witnesses, as and when the Court directs such witnesses to be present during trial.

The Trial Court may prepare a schedule for the trial of this case. We hope and express the trial may be concluded as expeditiously as possible, subject to the convenience of the learned Court below.

The application for bail is accordingly disposed of with the aforesaid directions.

The report filed by the learned Registrar dated December 18, 2021 be kept with the record.

This order shall be communicated to the learned Additional District and Sessions Judge, 2nd Court, Jalpaiguri by the prosecution immediately.

(Biswajit Basu, J.)

(Soumen Sen, J.)