

20.12.2021
Court No.01
Item No. 76

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

sg

**CRM 1155 of 2021
(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Bhaktinagar Police Station Case No. 418/2018 dated 15.06.2018 under Sections 22(C)/23(C)/25 of the NDPS Act and charge framed under Section 21(C) of the NDPS Act.

And

In Re: **Raj Kumar Bafna**

Petitioner

Mr. Apalak Basu
Ms. Pritha Bhounik
Mr. Abhishek Jain

For the Petitioner

Mr. Aditi Shankar Cakraborty
Mr. Sourav Ganguly

For the State

The learned Counsel for the petitioner submits that the petitioner is languishing in the jail for almost three and half years and there is no possibility of trial being concluded in the near future. It is submitted that the Hon'ble Supreme Court in SLP 5631/2020 in connection with an application filed by Mr. Sankar Sarkar, the consignee, has stayed the proceeding against Mr. Sankar Sarkar alone and even if on the stage of trial it transpires that the petitioner is innocent by reason of the aforesaid order, the petitioner may not be released on bail.

The learned Counsel for the State, however, opposes the prayer for bail and submits that since the trial is pending, the matter may be disposed of by directing the learned Trial Court to conclude the proceeding within a reasonable time.

We are afraid that the order of the Hon'ble Supreme Court in no way assists the present petitioner in this proceeding. Mr. Sankar Sarkar seems to be

standing on the completely different footing. It is our clear observation that the said order is restricted to Sankar Sarkar only.

However, considering the fact that earlier the co-ordinate Bench directed for expeditious disposal of the trial, we extend the period for further period of one year from date. Since all the Courts have started function normally, we also request the learned Trial Judge to prepare a timeframe and make all endeavour to conclude the proceeding within a timeframe. None of the parties shall be entitled to pray for any adjournment on the dates to be fixed by the learned Trial Judge. The parties shall be obliged to produce their witnesses on the dates fixed by the learned Trial Judge or directions to be passed by the learned Trial Court will be peremptory.

The learned Counsel for the parties have assured this Court that they would cooperate with the learned Trial Judge. We make it clear that our observations are restricted to the prayer made for bail and this order should not be read as an expression of the final opinion on merits of the matter. This application is accordingly, disposed of.

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

(Biswajit Basu, J)

(Soumen Sen, J)