

Circuit Bench of Calcutta High Court At Jalpaiguri
CRM (NDPS) 3 of 2022

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kotwali Police Station** Case No. **774 of 2017** dated **07.11.2017** under Sections **379/411/413/34** of the Indian Penal Code and read with Section 20(b) of the NDPS Act.

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In the matter of : Rahul Malakar

.... Petitioner.

Mr. S. Guha,

... For the Petitioner.

Mr. Arun Kr. Sarkar,
Mr. T. Bhattacharyya,

... For the State.

Allegedly commercial quantity of ganja was recovered from the joint possession of the petitioner and other accused persons. The petitioner says that he is in custody for more than 4 years. It has been three years since the last witness was examined. Nobody can say with any degree of certainty as to when the trial will conclude. He prays for bail.

The State opposes the prayer for bail.

In view of commercial quantity of contraband item being involved and the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, we are not inclined to allow the petitioner's prayer for bail.

However, considering that the petitioner has been in custody for a very long period of time, we are of the view that the trial must be expedited. We request the learned Trial Court to

make all efforts to bring the trial to an early conclusion and preferably within a period of one year from the date of resumption of normal functioning of the Courts.

The application, being No. CRM (NDPS) 3 of 2022 is accordingly disposed of.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)