

04.03.2022

COURT : 01
ITEM : 11
MATTER : 439
STATUS : REJECTED
TRANSCRIBER : nandy

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

CRM (NDPS) 51 of 2022

In Re:- An application for **bail** under section **439** of the Code of Criminal Procedure filed on February 18, 2022 in connection with NDPS Case No. 26 of 201 dated 29.06.2016 under Sections 22(c)/25 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: **Jitendra Singh & Anr.**

...Petitioners

Mr. Sudipta Kumar Majumdar, Learned ASG

Mr. Sudip Paul, Advocate

...for the Petitioners

Mr. Aditi Shankar Charkaborty, Learned APP

Mr. Sourav Ganguly, Advocate

...for the State

The petitioners are seeking bail in connection with NDPS Case No. 26 of 2016 dated 29.06.2016 under Sections 22(c)/25 of the Narcotic Drugs and Psychotropic Substances Act.

The startling facts have been revealed by the petitioners at the time of moving the instant application. The petitioners were apprehended having allegedly possessed the contraband above the commercial quantity and is still in custody. In fact, the trial commenced and all the chargsheeted witnesses have already been examined.

According to the learned Advocate of the petitioners even an argument was advanced before the Special Judge under the NDPS Act but he has not delivered the judgment as yet. It is further submitted that the date for delivery of judgment was fixed on December 6, 2019 but till date the same has not been pronounced.

Having enquired from the learned Advocates appearing for

the petitioners as well as the State, we came to know that the said judicial officer has been transferred and the new judicial officer has succeeded. It is a matter of serious concern that the case which has been concluded but no judgment pronounced yet. A new judicial officer has been posted in the said Court and, therefore, there is no impediment on his part to hear the argument and deliver the judgment.

Since commercial quantity of contraband was allegedly recovered from the petitioners and they were all along in custody, we do not think it is a fit case where the petitioners should be enlarged on bail at this stage.

Accordingly, the prayer for bail is **rejected**.

The application being **CRM (NDPS) 51 of 2022** is **dismissed** at this stage.

However, we direct the Special Judge under NDPS Act, Jalpaiguri to fix a date for argument which shall not exceed beyond seven days from the date of communication of this order and, thereafter shall proceed with the matter and deliver the judgment within one month therefrom without granting unnecessary adjournment to either of the parties.

The learned Advocate for the petitioners as well as the Public Prosecution are requested to cooperate with the Court in order to adhere the time limit set forth and shall not seek unnecessary adjournments unless based upon unforeseen and unavoidable circumstances.

(Harish Tandon, J)

(Rabindranath Samanta, J)