

Circuit Bench of Calcutta High Court At Jalpaiguri
CRM 873 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **New Jalpaiguri Police Station** Case No. **415 of 2019** dated **31.05.2019** under Sections **8(c)/21(c)** of the NDPS Act.

- A n d -

In the matter of : Huba Hai

.... Petitioner.

Mr. A. Biswas,

... For the Petitioner.

Mr. A. S. Chakraborty, Ld. APP.

Mr. S. Ganguly,

... For the State.

Allegedly six thousand pieces of YABA tablets were recovered from the petitioner. The same being commercial quantity, the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985 would apply. We are not inclined to allow the petitioner's prayer for bail.

The petitioner says that he does not speak or understand any language excepting Manipuri language. Notice under Section 50 of the Narcotic Drugs and Psychotropic Substances Act was given to him in Hindi Language. This was violation of a mandatory provision of the Narcotic Drugs and Psychotropic Substances Act which has rendered the seizure and his arrest bad in law.

We are of the view that whether or not the petitioner understands Hindi is a triable issue. The petitioner will be at liberty to urge this point at the trial.

We also find that the petitioner has been in custody since May, 2019. It appears that charge sheet was filed in February, 2020 but charges are yet to be framed.

The State opposes the prayer for bail.

Considering the lengthy period of detention of the petitioner, we request the learned Trial Court to expedite the consideration of charge and generally bring the trial to an early conclusion, preferably within 18 months from the resumption of normal functioning of the Courts.

The application for bail, being No. CRM 873 of 2021, is 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.)