

06.07.2022.

Ct.No. 1

Item No. 12

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*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (NDPS) 198 of 2022

In Re:- An application for cancellation of bail under Section 439 of the Code of Criminal Procedure, 1973, filed on 01.07.2022.

And

In the matter of : **Narayan Biswas.** ...petitioner

Mr. Arjun Chowdhury,
Mrs. Pratusha Dutta Chowdhury,
Mr. Bikash Singha

...For the petitioner

Mr. Sudipto Kumar Mazumdar,
Mr. Ajoy Kumar Singhanian

....For the State

The application for bail is canvassed on two-fold grounds. Firstly, that despite direction of a Co-ordinate bench of this Court on February 8, 2021 in CRM 107 of 2021, that the trial should be completed by March 30, 2021, the trial is still pending and only two witnesses have been examined.

Counsel for the State, however, submits that the Courts were just reopening after the 2nd wave of COVID-19 and the administration was in bit of a disarray.

The second ground on which bail is urged that the petitioner is in custody for more than 5 years, which is nearly half the maximum sentence that can be imposed for the charges under which the trial is being conducted against the petitioner.

This Court takes a very grim view of the conduct of the NCB in failing to comply with the order of the Co-ordinate

bench of this Court, dated February 8, 2021, passed in CRM 107 of 2021.

It is unfortunate that the NCB is not to produce witnesses. The Director, NCB, shall take personal note of the above order.

It is ordered that the trial be completed within a period of three months from date, mandatorily and positively. All witnesses must be produced successively and must be cross-examined on the same day. The trial should be held on a day-to-day basis.

The aforesaid orders are passed in the peculiar facts and circumstances of the case and given the fact that the petitioner is in custody for more than 5 years. This Court is not oblivious to the fact that the petitioner's rights under Article 21 of the Constitution of India are seriously at stake.

It is expected that the NCB shall take urgent and immediate steps to prosecute the matter. It is made clear that in default of the trial being completed within the period as aforesaid, the petitioner shall be entitled to bail.

C.R.M. (NDPS) 195 of 2022, shall stand rejected at this stage.

The Registry shall supply a copy of this order to the Director, NCB.

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

(Ananda Kumar Mukherjee, J.) (Rajasekhar Mantha, J.)

