

AD-40
Ct No.01
Jalpaiguri
31.01.2023
TN

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 14 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.01.2023 in connection with Alipurduar Police Station Case No. 252 of 2017 dated 14.05.2017 under Sections 20(b)(i)(c) of the NDPS Act.

And

In the matter of: John Rava

.... petitioner

Ms. Madhushri Dutta

... for the petitioner

Mr. Sourav Ganguly,
Mr. Chattu Roy

... for the State

Learned counsel for the petitioner submits that despite two previous directions of coordinate Benches of this court, the trial has not been concluded expeditiously. It is further submitted that the petitioner is already in custody for about 6 years and, as such, the petitioner ought to be enlarged on bail. It is argued that several witnesses are yet to be examined.

Learned counsel for the State, however, points out that the last direction of the coordinate Bench of this court was dated July 22, 2022, wherein it was indicated that the trial would be concluded expeditiously, preferably within six months from the next date fixed for recording evidence. However, the next date fixed for recording evidence was September 13, 2022, six months after which has not yet passed and will only elapse in March, 2023.

As such, the stipulated deadline for conclusion of the hearing has not yet arrived. It is further submitted that only one witness, that is, the Recording Officer (RO) is yet to be examined as witness and, as such, the trial is on the verge of conclusion.

We find from the submission of the parties that the outer limit for conclusion of trial, as stipulated by the last coordinate Bench direction of this court dated July 22, 2022, is not yet over.

That apart, although the petitioner is in custody for a considerable period, keeping in mind that the trial is on the verge of conclusion, since only one witness is left to be examined by the prosecution, as submitted on behalf of the State, we are of the opinion that the prayer of bail of the petitioner should be refused.

Accordingly, CRM (NDPS) 14 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)