

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

10.03.2023
tkm/7

C.R.M.(NDPS) 253 of 2023

In Re : An application for of bail under section 439 Cr.P.C in connection with NJP PS case no. 661 of 2018 dated 15.9.2018 under sections 20(b)(ii)(c)/22(c)/23(c)/25/29 of the NDPS Act
And

Allowed

In re : Rameshwar Majhi & Anr.petitioners

Mr. J K Bhowmik
Mr. S Bhowmik
Ms. R Sarkar
..... For the petitioners
Mr. Nilay Chakraborty
Mr. Sourav Ganguly
..... For the State

Petitioners are in custody for more than four years. It is submitted in spite of direction given by this court in February 2022 in CRM 1298 of 2021 to conclude the trial as expeditiously as possible, no witness has been examined till date. They pray for bail.

Learned lawyer for the State submits over 199 kgs of ganja was recovered.

We have considered the materials on record. Allegations involve recovery of more than 199 kgs of ganja. Allegations are very grave. But there is indolence in conducting prosecution. In spite of direction given by this court in CRM 1298 of 2021 for expeditious disposal of the case, no prosecution witness has been examined till date. This clearly infracts the fundamental right to speedy trial of

the petitioner. Bail prayer on this score is not fettered by the restrictions under section 37 of the NDPS Act.

Under such circumstances, we are inclined to enlarge the petitioners on bail, however, subject to conditions.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Judge, Special Court (under NDPS Act) 1st Court, Jalpaiguri on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that petitioners while on bail, shall remain within the district of Jalpaiguri and shall provide the address where they shall presently reside to the investigating agency as well as to the court below. They shall report to the officer in charge of the police station concerned within whose jurisdiction they shall reside while on bail once in a month until further orders.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM (NDPS) 253 of 2023 is disposed of.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)