

**CIRCUIT BENCH OF CALCUTTA HIGH COURT  
AT JALPAIGURI**

**03.04.2023**  
**Court No.1**  
**(D/L 10)**  
**(allowed)**

**CRM (NDPS) 259 OF 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 21.03.2023 in connection with NDPS Case No. 29 of 2021 arising out of Phansidewa Police Station Case No.108 of 2021 dated 16.03.2021 under Sections 20(b) (ii) (c) of the NDPS Act.

And

In the matter of: **Rafik Alam**

**... Petitioner.**

Mr. Gobinda Ghosh

... for the petitioner.

Mr. Aditi Shankar Chakraborty, APP  
Mr. Arjun Chowdhury

... for the State.

Heard learned counsel appearing for the petitioner and the learned public prosecutor who has raised objection against the prayer for bail. The notice of this Court is brought to an order dated 03.01.2023 passed by a coordinate Bench of this Court granting bail to accused Md. Jamsed who stands on the same footing, as the present petitioner and another accused.

This Court had granted bail considering the extreme delay in proceeding with the trial, as at that stage only one witness had been examined and today after three months only two witnesses have been examined. There does not seem to be any initiative on the part of the prosecution to complete the trial in a case in which accused persons are in custody since long.

Considering the fact that one of the co-accuseds is on bail and also the delay in completion of the trial, this Court is inclined to grant bail to the present accused. Accordingly accused Rafik Alam is granted bail of Rs.20,000/- with two sureties of like amount one of whom must be local to the satisfaction of the learned ACJM, Siliguri with an additional direction that he shall not leave the jurisdiction of this Court without prior permission of the Special Court. The Special Court is further directed to make all endeavor to complete the trial in the present case at the earliest.

**[SHAMPA DUTT (PAUL), J.]**

**(RAJARSHI BHARADWAJ, J.)**