

05.06.2023
SL No.37
Court No.1
(gc)
(Rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (NDPS) 265 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with NDPS Case No.93 of 2021 arising out of New Jalpaiguri Police Station Case No.1077 of 2021 dated 26.09.2021 under Sections 20(b)(ii)(c) of the NDPS Act.

And

In the matter of : **Ranjeet @ Ranjit Kumar**
- Petitioner.

Mr. Sandip Guha Roy
... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. Aniruddha Biswas
... For the State

The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner was arrested on 26th September, 2021 and the charge-sheet was filed on 24th March, 2022 and thereafter charges have been framed. However, there has been no progress in the trial. It is submitted that not a single witness has been examined till date.

The learned Counsel for the prosecution opposes the prayer for bail and submits that narcotic substances of 43 Kgs over commercial quantity has been recovered from the vehicle and the earlier prayer for bail was rejected by the order of the Coordinate

Bench on 2nd August, 2022. However, in all fairness he has submitted that till date not a single witness has been examined.

Since a fair and speedy trial is a constitutional mandate, we direct the learned Judge, Special Court, under the N.D.P.S. At, 2nd Court, Jalpaiguri to conclude the trial within six months from the next date fixed for trial. The learned Trial Judge shall not grant any adjournment to either of the parties unless it is unavoidable and conclude the trial within the aforesaid period.

The learned Counsel for the prosecution has assured that all the witnesses shall be produced on the date to be fixed by the Trial Court. The Trial Court shall invoke its power under Section 309 of the Cr.P.C.

Accordingly, the application for bail is, thus, rejected and stands disposed of.

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

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)