

13.6.2023
Court No.01
Item No. 39
ar
Rejected

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

CRM (NDPS) 291 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Alipurduar Police Station Case No. 252 of 2017 dated 14.5.2017 under Sections 22(b)(ii)(c) of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

In Re: **John Rava @ Joban Rabha**

.... Petitioner

Mr. Kumar Shantanli

... For the Petitioner

Ms. Aditi Shankar Chakraborty, Ld. APP

Mr. Sourav Ganguly

... For the State

Learned counsel for the petitioner submits that notwithstanding the order passed on 22nd July, 2022, the trial court did not conclude the trial within the aforesaid period and till date the petitioner is languishing in jail. It appears that a coordinate bench on 22nd July, 2022 disposed of the earlier application for bail in CRM (NDPS) 224 of 2022 with the following observation:-

“We have considered the materials on record. There are ample materials connecting the petitioner with the crime. On the score of delay, we take note that trial could not proceed due to intervening pandemic conditions. Trial has considerably progress. Hence, we are not inclined to grant bail to the petitioner at this stage.

Accordingly, the prayer for bail of the petitioner is rejected.

However, as the petitioner has suffered detention for a protracted period of time, we request the trial court to conclude the trial as expeditiously as possible

at preferably within six months from the next date fixed for recording evidence without granting unnecessary adjournment to either of the parties.”

Subsequent order in this regard would show that the matter is pending from 31st January, 2023 and only one witness is yet to be examined, as was submitted by the State. Learned counsel for the State submits that the trial court may not be aware of the aforesaid order. It is also informed that the public prosecutor did not bring the attention of the trial court with regard to the order passed by a coordinate bench and ought to have taken steps to produce the witness before the trial court so that the evidence could be completed within the time framed.

We have been informed that the matter is still pending before the trial court for recording the evidence of the witness.

In the event the evidence of the witnesses is not concluded in the mean time, we direct the trial court to conclude the evidence of remaining witness/witnesses within one month from the date of communication of this order by either of the parties.

In addition to the aforesaid, the Registrar Circuit Bench, Jalpaiguri is directed to communicate this order at the earliest to the learned Special Judge, 1st Court, Jalpaiguri, under NDPS Act for information and doing the needful.

In the event the evidence is not concluded within the aforesaid period and the reason for such delay is attributable to the petitioner, it will be open to the petitioner to renew his prayer for bail.

On consideration of the above facts, we are not inclined to grant bail to the petitioner at this stage.

The application for bail is thus rejected. CRM (NDPS) 291 of 2023 is disposed of accordingly.

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

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)