

23.08.2023
Court No.1
Item No.26
(sg/KS)

CRM (NDPS) 315 of 2023

And

Mr. Sandeep Dutta
Mr. Anirban Banerjee

For the Petitioner.

Mr. Nilay Chakraborty
Mr. Biswarup Roy

For the State.

1. The petitioner has been custody for 780 days. Charges were framed on 31.03.2022 and there is no evidence of the trial having progressed since that date. We are told that the first date for trial has been fixed on 15.09.2023 for examination of CSW1. We are also informed that the I.O. has passed away sometime in June, 2023 and was CSW1, who was to be examined.
2. We do not understand either the reason for the delay in the progress of the trial or the complete lack of information on the part of the prosecution with regard to any assurance that there may be any progress in the trial in the near future.

3. We are accordingly of the view that the circumstances are enough to rebut the statutory restrictions under Section 37 of the NDPS Act.
4. The petitioner shall accordingly be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of who must be local, to the satisfaction of the learned Judge, Special Court, under NDPS Act, 1st Court, Jalpaiguri. The petitioner shall not induce witnesses or influence them or tamper with the evidence. The petitioner shall also make himself available for the trial as and when the petitioner is required and shall also not leave the jurisdiction of the concerned police station without leave of the concerned authorities.
5. CRM (NDPS) 315 of 2023 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)