

05.06.2023
SL No.88
Court No.1
(gc)
(Rejected)

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

CRM (NDPS) 354 of 2023

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Alipurduar Junction GRPS Case No.1 of 2021 dated 5.2.2021 under Section 20(b)(ii)(c) of the NDPS Act.

And

In the matter of : **Fajle Miya @ Fajle Haque**
- Petitioner.

Mr. K.K. Banerjee,
Mr. S. Basu

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.
Mr. Biswarup Roy

... For the State.

The learned Counsel for the petitioner submits that the petitioner is in custody since 5th February, 2021 and till date the charge has not been framed. It appears from the record that the learned Trial Judge fixed 16th May, 2023 for production and supply of copy. The learned Counsel for the petitioner submits that till date copy has not been supplied. It is further submitted that the Trial Court fixed 3rd July, 2023 for supply of copy.

It is unfortunate that till date, the copy has not been supplied to the accused for which the charge could not be framed. We direct the Trial Court to ensure that the copies are supplied to the accused positively within two weeks from date and there should

not be any deferment of framing of charge beyond the date fixed. Soon after the framing of charge, the Trial Court shall prepare a schedule of the trial by invoking Section 309 of the Cr.P.C. and proceed with the trial.

We make it clear that the learned Trial Judge shall not grant any adjournment to either of the parties unless it is unavoidable. In the event the trial is not concluded within a reasonable time and the progress of the trial tardy, it would be open for the petitioner to renew the prayer for bail.

The seizure list shows that narcotic substances over commercial quantity have been recovered from the petitioner.

Accordingly, the application for bail is 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.)