

08.6.2023
Court No.01
Item No. 14
ar
Rejected

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

CRM (NDPS) 355 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jaigaon Police Station Case No. 57 of 2020 dated 18.02.2020 under Sections 22(c) of the Narcotics Drugs and Psychotropic Substances Act, 1985.

And

In Re: **Sibaji Karmakar @ Sivaji Karmakar**
.... Petitioner

Mr. Arnab Saha ... For the Petitioner

Mr. Nilay Chakraborty
Mr. Biswarup Roy ... For the State

Learned counsel for the petitioner submits that the petitioner is in custody for 3 years 4 months without the charge being framed. However, it appears that the delay in framing of charges was due to abscondence of the co-accused Abhijit Saha, who after obtaining bail is not appearing before the trial court and we have been informed that warrant of arrest was issued against Mr. Saha.

Both the coordinate benches have recorded that substantial quantity of narcotic substances were recovered from the joint possession of Abhijit and the present accused. The owner of the vehicle was released on anticipatory bail and she is participating in the trial.

In view of the above, in the event Abhijit does not appear before the trial court, immediate step should be taken for proclamation and attachment.

However, we direct the trial court to frame the charges within four weeks from date and to proceed with the trial in compliance with Section 309 of the

Cr.P.C and shall conclude the trial within one year from the of framing of charges without granting any adjournment to either of the parties.

The prosecution shall not take any adjournment on the date fixed for evidence of the prosecution witnesses.

The application for bail is thus rejected. CRM(NDPS) 355 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.)