

07.06.2023

Ct.No. 1
Item No. 22
Sb / Saswata
Rejected

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

C.R.M. (NDPS) 365 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 02.05.2023 in connection with Matigara PS case no. 57 of 2021 dated 24.1.2021 under Section 21 (c) of the NDPS Act, 1985 read with Sections 25 (i)(a)(1AA)/35 of the Arms Act.

And

In the matter of : **Samsher Alam**

...petitioner

Mr. Arunava Paul

...For the petitioner

Mr. Abijit Sarkar
Mr. Biswarup Roy

....For the State

In view of the previous order dated 1st December 2022 directing the Trial Court to expedite the trial and conclude it preferably within a period of 9 months from date and since the said period has not yet expired, we are not inclined to consider the prayer for bail of the petitioner.

The application for bail is, accordingly, ***rejected***.

However, in the event, the trial is not concluded within the aforesaid period and delay is not attributable to the petitioner, the petitioner shall be entitled to renew the prayer for bail.

However, in view of the submission made that till date of filing of the application for bail, i.e., 2nd May 2023, not

a single witness has been examined, we direct the Trial Court to invoke Section 309 of the Cr.P.C. and conclude the trial as expeditiously as possible and make all endeavour to adhere to the time frame indicated in the order dated 1st December 2022 without granting unnecessary adjournments to either of the parties.

CRM (NDPS) 365 of 2023 is ***disposed of***.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)