

12.07.2023
Item no.65.
Court No.01.
S. De
(Rejected)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (NDPS) No. 404 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure.

And

In the matter of : Bittu Karmakar Petitioner.

Mr. Partha Pratim Sarkar,
Mr. Sandip Guha Roy,
.....for the Petitioner.

Mr. Kallol Acharjee,
Mr. Aniruddha Biswas,for the State.

Heard learned advocate for the petitioner and learned advocate for the State at length.

It is contended that in view of the prolonged pendency of the trial before the learned Trial Court, the present accused petitioner is behind the bars since 17.05.2020. Materials have been placed before us to substantiate that learned Trial Court is waiting for execution of warrant of arrest of the other co-accused person.

While opposing the prayer for bail, learned advocate for the State draws attention of this Court to the seizure list from which it appears that commercial quantity of narcotic substance

being Ganja was recovered from the possession of the present accused petitioner.

Such being the position, we are not inclined to exercise our discretion under Section 439 Cr.P.C. in favour of the present accused petitioner.

However, considering the long pendency of N.D.P.S. Case no. 20 of 2020, we direct learned Special Judge (N.D.P.S. Act), Jalpaiguri to take steps for splitting up the trial and thereafter to proceed with the same in accordance with law and with a further direction to make all efforts to consider the charge as against the present accused petitioner preferably within two months from the date of communication of this order.

The application for bail is, accordingly, rejected.

CRM (NDPS) 404 of 2023 is dismissed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)