

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

14.08.2023
Court No.1
Item. 6
(sg)

CRM(NDPS) 414 OF 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Alipurduar Police Station Case No. 254/21 dated 29.07.2021 under Sections 20(b)(i)(c) of the NDPS Act, 1985.

And

In the matter of: Jiten Deb Barma

.Petitioner.

Mr. Jydeep Kanta Bhowmik
Tushar Debnath
Ms. Rikta Sarkar, Adv.

For the Petitioner.

Mr. Tapan Bhattacharjee
Mr. Arjun Chowdhury

For the State.

1. The accused has been in custody since 30th July, 2021, i.e. two years and 20 days.
2. We find from the status of the case that there has been inordinate delay in the progress of the trial. Although the accused has been in custody for a considerable length of time, charges are yet to be framed despite four days being allotted for framing of charges from 10th May, 2023. The decision passed by a Coordinate Bench in CRM (NDPS) 458/2023 was of similar circumstances. The Division Bench relied in a recent Supreme Court decision in a Special Leave to Appeal (Criminal) 4169 of 2023 (Ravi Prakash vs. State of Odisha) where the Supreme Court took into account the prolonged incarceration and the fundamental rights

guaranteed under Article 21 of the Constitution. The facts in Ravi Prakash also involved inordinate delay.

3. Relying on the Division Bench judgment, we are of the view that the prayer for bail should be allowed.
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 NDPS 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) 414 of 2023 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS,J.)

(MOUSHUMI BHATTACHARYA,J.)