

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

17.08.2023
Court No.1
(D/L 09)
(AK)

CRM (NDPS) 554 OF 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 03.08.2023 in connection with Matigara Police Station Case No.1355 of 2021 dated 27.11.2021 under Sections 20(b)(ii)(c) of N.D.P.S. Act, 1985.

And

In the matter of: **Shohor Ali**

... Petitioner.

Ms. Chanda Jha

...for the petitioner.

Mr. Aditi Shankar Chakraborty
Mr. Abhijit Sarkar
Mr. Aniruddha Biswas

... for the State.

This is the third application for bail on the charge of recovery of a large quantity of narcotic substance from the petitioner.

Learned counsel appearing for the petitioner submits that there has been undue delay in the trial since not a single witness has been examined after framing of charges on 19th November, 2022. There are admittedly 13 witnesses who are to be examined in the case.

The petitioner has been in custody for 621 days.

However, considering the quantity of narcotic substance seized from the petitioner, we are not inclined to allow the prayer for bail. We are, however, concerned at the slow progress in the trial since nothing has happened after 19th November, 2022 save and except two dates on

13th February, 2023 and 20th May, 2023 where the complainant failed to appear.

We, hence, direct the learned Special Court, Siliguri, to expedite the trial and make a serious effort to conclude the same within six months from today. The points raised by counsel appearing for the petitioner on the violation of the provisions of the NDPS Act and the nature of witnesses shall be considered by the trial court. We also make it clear that the petitioner shall be at liberty of praying for appropriate orders if the delay constitutes.

CRM (NDPS) 554 of 2023 is accordingly rejected and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)