

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

21.08.2023
Court No.1
Item. 10
(Suvendu)

CRM(NDPS) 560 OF 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Siliguri Police Station Case No. 571 of 2022 dated 16.06.2022 under Sections 21(c)/22 (c) of the NDPS Act, 1985.

And

In the matter of: Manik Bhowmick & Anr.

.Petitioners.

Mr. Hillol Saha Podder

For the Petitioners.

Mr. Abhijit Sarkar
Mr. Dhiman Sil

For the State.

1. A recovery of 100 bottles of Codeine Phosphate was jointly recovered from the two petitioners before us. The petitioners are in custody since one year and two months and an order of the learned Special Court (under NDPS Act), Siliguri shows that a bailable Warrant of Arrest was issued against the concerned S.I. /C.S.W. 1 and 13th December, 2023 was fixed for production of the C.S.W. 1 for his evidence.

2. Learned counsel appearing for the petitioners submits that there has been inordinate delay in the trial by reason of the first of the 11 witnesses not being present before the Court.

3. We find that there has indeed been delay in the trial after framing of charges on 04.02.2023. The next date was fixed on 23rd

June, 2023 when the S.I. /C.S.W. 1 was supposed to appear but did not.

4. The I.O. present in Court has no information as to the status of theailable Warrant of Arrest issued against the S.I/C.S.W.1.

5. Considering all the circumstances, we deem it fit to reject the prayer for bail but also directing the Special court to conclude the trial preferably within ten months from today.

6. We make it clear that the petitioner shall be entitled to pay for appropriate orders if there is any further delay in conducting and concluding the trial.

7. CRM(NDPS) 560 of 2023 is accordingly rejected and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA,J.)