

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

21.08.2023
Court No.1
Item.14
(sg/KS)

CRM (NDPS) 566 of 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Pradhannagar Police Station Case No.167 of 2021 dated 21.03.2021 under Sections 21(c)/ 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: M. NATARANJAN

.Petitioner.

Mr. Arunava Paul

For the Petitioner.

Mr. Kallol Acharjee
Mr. Sourav Ganguly

For the State.

1. It is submitted on behalf of the accused petitioner that he has been falsely implicated with the crime and is in custody since 21/03/2021. It is further assailed that other co-accused persons were enlarged on bail by the Co-ordinate Bench of this court vide order dated 13.04.2022 in connection with CRM (NDPS) 67 of 2022.
2. It is submitted by the learned counsel that there is no immediate chance of commencement of the trial as warrant of arrest is pending against one of the accused petitioners. So he prays that the accused petitioner may be enlarged on bail.
3. Learned counsel appearing for the State submits that after granting bail to one of the accused petitioner, namely Sankar Barik @ Shankar Barik, he did not appear before the learned Trial court and that is why warrant of arrest was issued against this person and thereafter WP was issued.

It is submitted that till date report has not yet been received by this Court and, as such, the trial has not been commenced. It appears that seven adjournments have already been taken on behalf of the State.

4. We have considered the rival submissions advanced by both the parties. It appears that it is true that one of the accused persons after granting bail did not appear before this Court and for that reason WA and WPA were issued against him and for that reason, the commencement of trial of the case is being delayed.
5. We further considered all the materials, which reflect about the *prima facie* involvement of the accused petitioner with the alleged offence. So, at this stage, involvement of the accused petitioner with the offence alleged cannot be ruled out. Accordingly, the petition praying for bail filed by the accused petitioner is rejected.
6. The learned Trial Court is directed to expedite the trial without giving unnecessary adjournments to either of the parties and if further delay is caused by one of the parties, liberty is given to accused petitioner to pray for bail.
7. Accordingly, CRM (NDPS) 566 of 2023 is rejected in terms of the above.

(PRASENJIT BISWAS,J.)

(MOUSHUMI BHATTACHARYA,J.)