

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

22.08.2023
Court No.1
Item. 13
(Suvendu)

CRM(NDPS) 570 OF 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with NJP Police Station Case No. 787 of 2020 dated 11.07.2020 under Sections 20(b)(ii)(c) / 23(c) of the NDPS Act.

And

In the matter of: Khokon Adhikary @ Bhodor

.Petitioner

Mr. Jagriti Mishra

For the Petitioner

Mr. Kallol Acharjee
Mr. Kallol Nag

For the State

1. Although the petitioner relies on a coordinate Bench order dated 7th June, 2023 relying on *Subhas Yadav Vs. State of West Bengal, 2023 SCC Online Cal 313*, it is clear from the last rejection of another coordinate Bench dated 5th July, 2023 that the point taken before us was not canvassed before the coordinate Bench on 5th July, 2023.
2. After considering the case and the quantity of contraband substance seized from the joint possession of the accused persons, the coordinate Bench was pleased to request the learned trial Court to expedite the trial and come to a logical conclusion preferably

within a year from the date of the communication of the order. One year would take us to around 5th July, 2024.

3. Since the point taken before us was not taken before the coordinate Bench and there is no subsequent event after 5th July, 2023, there is no reason for us to come to a different conclusion and the prayer for bail is accordingly rejected.

4. We however make it clear that in the event the trial Court is unable to comply with the direction passed in the order dated 5th July 2023, the petitioner shall be entitled to pray for appropriate orders.

5. We also request the learned trial Court to consider the judgment of Subhas Yadav and the coordinate Bench decision in CRM (NDPS) 377 of 2023.

6. CRM(NDPS) 570 of 2023 is accordingly rejected and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)