

October 10, 2023.

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**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM(NDPS) 827 of 2023

In re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 27.9.2023 in NDPS Case No.118 of 2022 under Section 21(c), 25/29 of NDPS Act arising out of the Birpara P.S. Case No.163 of 2022 dated 12.10.2022.

In the matter of: Biswajit Barman

.... Petitioner.

Mr. Debabrata Dhar,
Mr. A. Mitra,
Mr. Prodyot Kumar Ray

... for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP.,
Mr. Ujjwal Luksom,
Mr. Sourav Ganguly

... for the State.

Heard learned Advocates appearing for the parties.

This is an application for bail under Section 438 Cr.P.C.. Charge against the petitioner is under Sections 21(c), 25/29 of NDPS Act. It is the case of the petitioner that the accused/petitioner is a driver and he was not aware of the substance in question he was carrying. It is further submitted that he is in custody for more than one year.

Learned Advocate appearing for the State submits that the charge-sheet has been submitted in this case on 31st January, 2023.

It is unfortunate that till date no charge has been framed and there is not any progress in the trial, which is not appreciated by this court. However, considering the facts and circumstances of the case we are not inclined to grant bail to the accused/petitioner at this stage.

Learned Trial Court is directed to expedite and conclude the trial preferably within six months. In case of failure to conclude the trial, the petitioner will be at liberty to make fresh appropriate application.

With this observation and direction this application being CRM(NDPS 827 of 2023 is disposed of.

(Partha Sarathi Chatterjee, J.)

(Md. Nizamuddin, J.)