

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

04.01.2023
Court No.1
Item. 11
(Suvendu)

CRM(NDPS) 421 OF 2022

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with New Jalpaiguri Police Station Case No. 574/2018 dated 11.08.2018 under Sections 20(b)(ii)(c)/23(c) of NDPS Act, 1985.

And

In the matter of: Purnendu Banarjee @ Ranju

.Petitioner.

Mr. Joydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Ms. Rikta Sarkar

For the Petitioner.

Mr. Arun Kumar Sarkar
Mr. Aniruddha Biswas

For the State.

The petitioner has been in custody for 4 years 3 months and 29 days. The charge-sheet was submitted on 11th January, 2019 and charges were framed on 3rd April, 2019. The petitioner says, through his learned counsel, that out of 13 witnesses only 3 witnesses have been examined thus far. This is disputed by learned counsel appearing for the State who submits that 5 witnesses have been examined till date.

We find from the records that a coordinate Bench by its order dated 7th March, 2022 directed the learned Special Court under NDPS Act, Jalpaiguri to fix a date for recording the evidence of the remaining witnesses which should not be beyond 15 days from the date of communication of the said order. Admittedly, only one witness has been examined after the

direction of the coordinate Bench. We find that the unexplained delay in the conduct of the trial merits an order in favour of the petitioner.

The prayer for bail is hence allowed.

We accordingly direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 20,000/- (Rupees twenty thousand only) with two sureties of like amount each, one of who must be local, to the satisfaction of the learned Special Court, Jalpaiguri. The petitioner shall not induce witnesses or influence them or tamper with the evidence. The petitioner shall also make himself available for the trial as and when the petitioner is required and shall also not leave the jurisdiction of the concerned police station without leave of the concerned authorities.

CRM(NDPS) 421 of 2022 is accordingly allowed and disposed of in terms of the above.

(SIDDHARTHA ROY CHOWDHURY,J.) (MOUSHUMI BHATTACHARYA,J.)