

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

10.01.2023
Court No.1
Item. 13
(Suvendu)

CRM(NDPS) 442 OF 2022

An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Dhupguri Police Station Case No. 316/2018 dated 20.09.2018 under Section 20(b)(ii)(c) of NDPS Act, 1985.

And

In the matter of: Dhonu Sarkar @ Bapi

.Petitioner.

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

For the Petitioner.

Mr. Abhijit Sarkar
Mr. Biswarup Roy

For the State.

The petitioner has been in custody since 28th September, 2018, the charge-sheet was submitted on 15th May, 2019 and charges were framed on 21st August, 2019. There are 11 witnesses in the matter and 14th January, 2020 was fixed for examination of the first witness.

We are now informed by learned counsel appearing for the State that the new date for examination of the first witness is fixed in the last week of January, 2023.

There has admittedly been no progress in the trial and we are unable to comprehend as to the reason for this inordinate delay. In our view, the unexplained delay is sufficient ground for allowing the application for bail.

We accordingly direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties each of like amount, one of who must be local, to the satisfaction of the learned Judge, Special Court (Under NDPS Act), Jalpaiguri. The petitioner shall not induce witnesses or influence them or tamper with evidence. The petitioner shall also make himself available for the trial as and when the petitioner is required and shall also not leave the jurisdictional police station without leave of the concerned authorities.

CRM(NDPS) 442 of 2022 is accordingly allowed and disposed of in terms of the above.

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