

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

06.03.2024
Court No.1
Item. 08
(Suvendu)

CRM(NDPS) 37 OF 2024

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Matigara Police Station Case No. 196/2021 dated 20.03.2021 under Section 21(c) of the NDPS Act, 1985.

And

In the matter of: Nejaul Sk.

.Petitioner.

Mr. Hillol Saha Podder

For the Petitioner.

Mr. Kallol Acharjee
Mr. Tapan Bhattacharjee

For the State.

1. There has been no progress in the trial.
2. The petitioner's prayer for bail was rejected on 6th June, 2023 by a coordinate Bench recording that the petitioner has been in custody for over 2 years and that not a single witness has been examined till date. The concerned Special Court was hence directed to proceed with the trial in strict compliance of Section 309 of the Cr.P.C.
3. Another coordinate Bench by an order dated 5th July, 2023, requested the trial Court to expedite the trial and come to a logical conclusion preferably within a year from the date of communication of the order.
4. We are informed that after 5th July, 2023 only 1 out of 13 witnesses has been examined. The one year period will end on 4th July, 2024 and there appears to be a little chance of the learned Special Court being in a position to comply with the direction dated 5th July, 2023.
5. Therefore, while we reject the petitioner's prayer for bail on the ground of the one year not being over as yet, we give liberty to the petitioner to

approach the Court for appropriate orders as soon as one year period ends in July, 2024.

6. We note that the petitioner would have been in custody for more than four years in July, 2024 and considerations of Article 21 of the Constitution of India has already become relevant in the present matter.
7. CRM(NDPS) 37 of 2024 is rejected in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)