

22.04.2024
Court No.01
Item No. 10
Allowed

KC

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

CRM (NDPS) 93 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with CR (NDPS) Case No.- 154 of 2021 rising out of Siliguri Police Station Case No. 1276 of 2021 dated 27/10/2021 under Sections 21(c)/22(c) of the NDPS Act.

And

In Re: **Rajkumar Sarkar @ Lalu**

Petitioner

Ms. Madhushri Dutta

For the Petitioner

Mr. Abhijit Sarkar

Mr. Chattu Roy

For the State

At the very outset, learned advocate for the petitioner draws attention to the order dated 31st July, 2023 passed by a Coordinate Bench of this Court in CRM (NDPS) 403 of 2023 whereby and whereunder while rejecting similar such prayer, the said Coordinate Bench directed the learned Trial Court to conclude the trial within a span of nine months.

It is submitted on behalf of the petitioners that, despite such order, no much progress has been found and out of 13 prosecution witnesses only five witnesses have been examined. It is further submitted that the accused petitioner is languishing in jail for a period of 887 days.

Learned advocate for the State opposes the prayer for bail but he did not dispute the period of detention as well as the pendency of the case for a considerable period of time.

From the materials placed before this Court, we are convinced that the present accused petitioner is not responsible for the delay in conducting the trial and in view of such, we are of the considered view that present accused person is successfully make out a case for enlargement of bail relaxing the statutory restrictions as provided under Section 37 of the NDPS Act basically on the ground of prolongness and/or delay in trial.

In the facts and circumstances of the present case, the present accused/petitioner vix. Rajkumar Sarkar @ Lalu shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of like amount each, to the satisfaction of the learned Special Judge, N.D.P.S. Act, 2nd Court, Siliguri subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Partha Sarathi Sen, J)

(Soumen Sen, J)