

30.04.2024
SL No.19
Court No.1
(gc)
(rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (NDPS) 156 of 2024

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Naxalbari Police Station Case No.283 of 2021 dated 15.12.2021 under Sections 21(c)/22(c) of the NDPS Act, 1985.

And

In the matter of : **Sanjay Sen @ Sanjoy Sen**
- Petitioner.

Mr. Subham Ghosh,
Mr. Mayank Roy
....For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP.,
Mr. Biswarup Roy,
Mr. Tapan Bhattacharjee,
Mr. Sanjiv Das
....For the State.

1. In course of hearing, learned Counsel for the petitioner draws our attention to the order dated 18.08.2023 as passed in CRM (NDPS) 580 of 2023 by a Coordinate Bench. It is submitted that since the time-frame as fixed by the Coordinate Bench has not been maintained, the instant application for bail should be considered favourably on the ground of delay in trial.
2. Learned Counsel for the State, however, opposes the prayer for bail.
3. On perusal of the entire materials as placed before this Court and on the basis of the submissions made at the

bar, it reveals to us that after 18.08.2023, learned Trial Court examined four prosecution witnesses.

4. We are not oblivious of the fact that huge number of NDPS cases are pending before the learned Special Judge. Considering such circumstances, it cannot be said that the delay is either attributable to the Trial Court or to the prosecution.
5. Considering the progress of the trial, we are inclined to reject the prayer for bail of the petitioner at this stage.
6. However, the learned Trial Court is directed to conclude the trial by invoking Section 309 of the Cr.P.C. preferably within one year from the next date fixed. It is further directed that the learned Trial Court shall ensure the production of all the alamats and appearance of the prosecution witnesses on each date of substantive hearing, failing which, the learned Trial Court shall be at liberty to enforce its order in accordance with law.
7. All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)