

30.04.2024
SL No.20
Court No.1
(gc)
(allowed)

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

CRM (NDPS) 159 of 2024

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Rajganj Police Station Case No.616 of 2022 dated 05.11.2022 under Sections 20(b)(ii)(c)/25/29 of the NDPS Act, 1985.

And

In the matter of : **Jaswinder Singh**

- Petitioner.

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Mr. Tushar Debnath,
Ms. Debi Sarkar,
Ms. Jasmin Haque

....For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Aniruddha Biswas

...For the State.

1. Mr. Bhowmik, learned Counsel for the petitioner at the very outset draws our attention to the order dated 16.08.2023 as passed in CRM (NDPS) 443 of 2023 whereby a Coordinate Bench directed the Trial Court to conclude the trial within eight months from the day of passing of the said order.
2. By filing Information Slip (which has been taken on record) it appears that the Trial Court framed charge on 22.01.2024 and thereafter no witness has been examined

as yet and 07.05.2024 is the next date fixed for production and evidence of CSW-1.

3. Though the learned Counsel for the State opposes the prayer for bail but from the materials placed before us, we do not find any endeavour on the part of the prosecution to expedite the trial as directed by the Coordinate Bench on 16.08.2023. In view of the fact that the delay in the progress of trial is not attributable to the petitioner and the right to speedy trial is a right which cannot be ignored and has been reiterated by the Hon'ble Supreme Court in ***Rabi Prakash Vs. The State of Odisha*** reported in **2023 LiveLaw (SC) 533: 2023 SCC Online 1109**, prayer for bail on the ground of delay in trial should be considered favourably as it does not fetter by the restriction under Section 37 of the NDPS Act as held in ***Rabi Prakash*** (supra).
4. Accordingly, the prayer for bail is allowed.
5. In view thereof, the petitioner, **Jaswinder Singh**, shall be released on bail upon furnishing a bond of Rs.20,000/- with two registered sureties of like amount each, to the satisfaction of the learned Additional Session Judge, 1st Court, Jalpaiguri subject to the condition that the present accused petitioner shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provision of Section 317 of the Cr.P.C. and

shall not leave the district Jalpaiguri unless permitted by the Trial Court.

6. Accordingly, the application for bail is disposed of.
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.)