

JPD-55
Ct No.01
24.07.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (NDPS) 329 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pradhannagar Police Station Case No. 24 of 2022 dated 06.01.2022 under Sections 21(c)/22(c) of the NDPS Act, 1985.

And

In the matter of: **Sanjib Kamti @ Sanjeet Kamti**

.... petitioner

Mr. Arunava Paul

... for the petitioner

Mr. Aditi Shankar Chakraborty
Mr. Sagnik Sankar Sikdar

... for the State

1. Learned counsel for the petitioner contends that there are several discrepancies inasmuch as the two independent witnesses mentioned in the FIR have not signed either the seizure list or the Memo of Arrest.
2. Learned counsel for the State opposes the prayer for bail and points out that as recently as on May 22, 2024, a coordinate Bench had refused bail and while so considering, had recorded the proposal of the prosecution to conclude trial within six months from the next date fixed for recording of evidence subject to cooperation by defence and systemic delays.
3. It is contended that there is no change of circumstance in the meantime.

4. We find from the order dated May 22, 2024 that the coordinate Bench had expressed such opinion as indicated by learned counsel for the State.
5. We do not also find any change of circumstance to entitle the petitioner to bail.
6. As the period of six months from the then next date has not yet elapsed, we are of the opinion that an opportunity ought to be given to the trial court to conclude the trial expeditiously.
7. Accordingly, in tune with the observations in the order dated May 22, 2024 passed in CRM (NDPS) 230 of 2024, we express our hope and trust that the trial shall be concluded by the end of this year.
8. In the event the trial is not so concluded within the above period, liberty is granted to the petitioner to renew his prayer for bail.
9. Accordingly, CRM (NDPS) 329 of 2024 is dismissed in the light of the above observations.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)