

JPD-7
Ct No.01
29.07.2024
S. Bag

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 333 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with NJP GRPS Case No. 05/2022, date-20.01.2022 under Section 21(c) of the N.D.P.S. Act, 1985.

And

In the matter of: Chandan Kumar

....petitioner

Ms. Jagriti Mishra, Adv.
Ms. Ananya Bhattacharya, Adv.
Mr. Sabir Ali, Adv.
Ms. Mrinmayee Das, Adv.

... for the petitioner

Mr. Kallol Acharjee, Adv.
Mr. Aniruddha Biswas, Adv.

... for the State

1. Learned counsel for the petitioner argues that the petitioner is already in custody for three years and four months and points out to a previous rejection of bail on July 31, 2023, where this Court observed that the Special Court ought to conclude the trial within one year, which has not yet been done.
2. Learned counsel for the petitioner further contends that till now, charges have merely been framed and there are 25 charge sheet witnesses and as such, there is no scope of the trial concluding immediately.

3. Learned counsel for the prosecution strictly opposes the prayer for bail and points out from the case diary that the petitioner has antecedents of similar crime under the NDPS Act. As such, the prayer for bail ought to be rejected.
4. Learned counsel for the State also assures the court that the State shall make all endeavour so that the trial is completed within six months from the date of communication of this order to the trial Court.
5. Upon hearing learned counsel, we find that the petitioner is otherwise a resident of the State of Bihar, that is, outside West Bengal and in view of antecedents of similar crime having been alleged against the petitioner in Patna, Bihar as well, we are not confident that the second limb of Section 37(2) of the NDPS Act is satisfied in the present case.
6. We, however, express our dissatisfaction at the trial taking so long despite the previous expression of hope and trust in that regard by the coordinate Bench and also sympathizes with the petitioner for the long period of custody. However, in view of the assurance given by the State, we intend to dispose of the petition at this stage with the following rider:
7. CRM (NDPS) 333 of 2024 is dismissed, with the specific direction that the trial shall be concluded within six months from the date of communication of this order to the trial Court, without granting any unnecessary adjournment to either side.

8. It is, however, made clear that in the event the trial is not concluded within such period, the petitioner shall be entitled to renew his prayer for bail before the appropriate court, in which case, the long period of custody of the petitioner shall be the predominant consideration in considering such prayer.
9. It is made clear that the written communication of this order by the learned advocate for the petitioner, coupled with a server copy of this order, shall suffice and the trial Court shall not insist on prior production of the certified copy of this order for the purpose of compliance.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)