

JPD-61
Ct No.01
02.08.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 396 of 2024

In Re: - An application for bail under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Pradhannagar** Police Station Case No. **551** of **2022** dated **20.07.2022** under Sections **21(c)/22(c)** of the **NDPS Act, 1985**.

And

In the matter of: **Dharmendar Singh and another**

.... petitioners

Mr. Hillol Saha Podder,
Ms. Mousumi Das

... for the petitioners

Mr. Nilay Chakraborty, Ld. APP,
Mr. Aniruddha Biswas

... for the State

1. Learned counsel for the petitioners submits that despite an order of rejection of bail on May 17, 2024, even after the lapse of three dates thereafter in the trial court, charges have not yet been framed. Although charges were initially framed, a rectification of such charges was sought by the prosecution, which delayed the matter. Another issue which was not urged before the coordinate Bench on May 17, 2024 at the time of rejection was that there was a delay of almost six months in issuance of the CFSL report, which itself vitiates Rule 14 of the NDPS Rules, 2022.
2. Learned counsel for the State seriously opposes the prayer for bail and submits that in the order dated May 17, 2024, the important

facets of the case were discussed at length. The trial court was directed to take immediate steps to declare the absconding accused as proclaimed offenders and proceed with the trial with utmost expedition against the petitioners and others who were before the court. On the assurance of the prosecution to conclude the trial within 18 months from the date of framing of charge, subject to cooperation by defence and other systemic delays, the trial was directed to be concluded as expeditiously as possible in the light of such assurance. It is submitted that the 18 months' period granted by the coordinate Bench as recently as on May 17, 2024 ought to be granted to the prosecution.

3. Learned counsel for the petitioners hands over a photocopy of the certified copy of the order-sheet of the trial. We find from the orders of the three dates subsequent to the last rejection of bail that there was no fault on the part of the prosecution in delaying the trial on the said dates.
4. Thus, we cannot, at this juncture, come to a premature conclusion that the trial would not be concluded within 18 months from the date of framing of charges.
5. The rectification of the charges was sought prior to the previous rejection of bail on May 17, 2024 and, as such, is not a subsequent event after the last previous rejection of bail. It was open to the petitioners at all points of time to urge the plea of violation of Rule 14 of the NDPS Rules, 2022 in all the previous occasions (at least four) when the bail prayer of the petitioners

was rejected. Having failed to take such plea on all the four occasions, we ought not to virtually sit in judgment over the rejection of the bail dated May 17, 2024 by the coordinate Bench at this juncture. Particularly since 18 months from the framing of charges has already been granted to the trial court by the coordinate Bench, we deem it fit to abide by the same.

6. Accordingly, CRM (NDPS) 396 of 2024 is dismissed, reiterating that the trial should be concluded within 18 months from the framing of the charges. It is made clear that unless the charges are framed in the rectified form within two months from date, the petitioners will be at liberty to renew the prayer for bail irrespective of the findings recorded above.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)