IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE

PRESENT:

THE HON'BLE JUSTICE UDAY KUMAR

CRR 3455 OF 2017

RAMLAL
-VS-
STATE OF WEST BENGAL & ORS.

For the Petitioner	*: Mr. Arnab Chatterjee,* *Mr. Avik Ghosh* *Mrs. Debolina Ray*
For the NCB	*: Mr. Kallol Kumar Basu* *Mr. Priyankar Ganguly*
Hearing concluded on	*: 01.04.2026*
Judgment on	*: 06.04.2026*

UDAY KUMAR, J.: –

1. INTRODUCTION

1.1. This is an application under Section 482 of the Code of Criminal Procedure, 1973, preferred by the petitioner, Ramlal, a resident of the Kullu district in Himachal Pradesh. The petitioner seeks the quashing of the criminal proceedings in Special Case No. 3(12) of 2012 (arising out of Tiljala P.S. Case No. 274 of 2012), presently pending before the Learned Special Judge, Alipore. The petitioner stands implicated by way of a supplementary complaint filed by the Narcotics Control Bureau (NCB) for the alleged commission of offences punishable under Sections 20(b)(ii)(C), 25, 27, 27A, and 29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985.

1.2. The core of the challenge rests on the legality of a "further investigation" that resulted in the petitioner’s impleadment as an accused nearly five years after the initial seizure of contraband. The fundamental issue before this Court is whether the prosecution can be permitted to proceed when the incriminating material consists solely of confessional statements recorded under Section 67 of the NDPS Act, in the total absence of physical, digital, or financial corroboration. This Court is called upon to determine if the continuation of such a trial, fourteen years after the alleged offence, constitutes a manifest abuse of the process of law.

2. THE FACTUAL MATRIX

2.1. Genesis: The 2012 Tiljala Seizure

2.1.1. The factual matrix of the case dates back to July 9, 2012. Acting on a secret intelligence report, the Narcotic Cell of the Detective Department, Kolkata Police, intercepted one Melvin Smith near Tiljala High School. A search conducted under the statutory rigours of the NDPS Act led to the recovery of 1.050 kg of Charas (classified as a "commercial quantity") from his conscious possession.

2.1.2. Consequently, Tiljala P.S. Case No. 274 of 2012 was registered. The initial investigation identified a local network involving one Rajeev Mohta, alleged to be a financier and organizer of rave parties. On December 5, 2012, the local police submitted a charge sheet against Smith and Mohta. It is a matter of record that at this primary stage, the petitioner was neither named in the FIR nor was his involvement even remotely suspected by the investigating agency.

2.2. Judicial Intervention and Transfer of Probe

2.2.1. The trajectory of the prosecution shifted fundamentally due to judicial intervention in a collateral proceeding, being CRR 1730 of 2013. During the monitoring of that investigation, this Court expressed grave dissatisfaction with the Kolkata Police's failure to identify the "source" or "upstream supplier" of the seized narcotics.

2.2.2. Observing that the investigation was "far from reality," this Court, by an order dated September 29, 2016, directed the transfer of the investigation to the Narcotics Control Bureau (NCB), Kolkata Zonal Unit. The NCB was mandated to conduct a "further investigation" to unearth the inter-state supply chain that fuelled the narcotics trade in Kolkata.

2.3. The NCB Investigation and "The Himachal Connection"

2.3.1. Upon assuming the investigation in October 2016, the NCB recorded several voluntary statements under Section 67 of the NDPS Act. Through these statements—specifically those of Melvin Smith and a deceased intermediary, Andre Douglas Feol @ Ginger—the name of the petitioner emerged as the alleged "kingpin supplier" based in Himachal Pradesh.

2.3.2. The NCB's theory posits a sophisticated logistics chain where the petitioner allegedly dispatched Charas consignments from Kullu to Kolkata via the rail route. The agency further fortified its suspicion by linking the petitioner to a separate seizure in NCB Crime No. 07/2012, thereby categorizing him as a habitual offender within the narcotics trade.

2.4. Procedural Delay and the Supplementary Complaint

2.4.1. The impleadment of the petitioner in 2017—five years post-incident—was marked by further procedural hurdles. The NCB attributed the delay in serving notice to the petitioner to severe climatic conditions and heavy snowfall in the Mandi and Kullu sub-zones during January 2017.

2.4.2. Following the service of notice, the petitioner appeared before the Investigating Officer on February 8, 2017, where his voluntary statement was recorded. Subsequently, the NCB filed a formal Prosecution Complaint on March 9, 2017, naming Ramlal as

Accused No. 5. The prosecution contends that this delay was "sufficiently explained" by the judicial transfer of the case and the inherent complexities of tracing inter-state drug syndicates.

3. SUBMISSIONS ON BEHALF OF THE PETITIONER

3.1. Mr. Arnab Chatterjee, Learned Advocate appearing for the Petitioner has mounted a multi-pronged challenge, contending that the Petitioner has been victimized by a "manufactured and delayed" investigation. It was argued with considerable vehemence that the entire Prosecution Complaint, insofar as it relates to the Petitioner, is built upon a foundation of sand, as it relies exclusively on voluntary statements recorded under Section 67 of the NDPS Act.

3.2. Heavy reliance was placed upon the landmark judgement in Tofan Singh vs. State of Tamil Nadu [(2021) 4 SCC 1], wherein the Hon'ble Apex Court held that NCB officers are "police officers" within the meaning of the Evidence Act. Consequently, any confession made to them is hit by the exclusionary rule of Section 25. It was emphasized that in the absence of independent corroboration, neither the Petitioner's own purported admission nor the statements of co-accused Melvin Smith can be elevated to the status of substantive evidence.

3.3. Highlighting an "evidential vacuum," Learned Counsel pointed out several "missing links" that, in his submission, are fatal to the prosecution. It was highlighted that there was no physical recovery of any contraband from the Petitioner in the instant case, nor has the agency produced any Call Detail Records (CDRs) or tower location data to establish a telephonic nexus between the Petitioner in Kullu and the distributors in Kolkata during the relevant period of 2012. Furthermore, the absence of any monetary trail, such as bank transfers or cash receipts, severely undermines the allegation of a commercial drug syndicate.

3.4. Addressing the death of the alleged primary link, Andre Douglas @ Ginger, in 2015, Counsel argued that the NCB exploited this demise to plant a narrative that cannot be tested through cross-examination, thereby causing irreparable prejudice to the Petitioner's defence. Finally, it was submitted that forcing the Petitioner to face trial fourteen years after the alleged offence, based on "stale" and "inadmissible" material, constitutes a gross violation of the Right to a Speedy Trial under Article 21 and a clear abuse of the process of law.

4. SUBMISSIONS ON BEHALF OF THE OPPOSITE PARTY NO. 2 (NCB)

4.1. Mr. Kallol Kumar Basu, Learned Advocate appearing for the Narcotics Control Bureau (NCB) has strongly opposed the revisional application, contending that the present petition is a premature attempt to stifle a legitimate prosecution involving an organized inter-state narcotics syndicate. It was submitted that the gravity of the offence, involving the trafficking of commercial quantities of Charas, outweighs the procedural grievances raised by the Petitioner.

4.2. Addressing the primary challenge regarding the delay in impleadment, Learned Counsel for the NCB argued that such delay was neither intentional nor a result of laches. It was submitted that the initial investigation by the local police was found to be "far from reality" by this Hon'ble Court, which necessitated the transfer of the probe to a specialized agency in late 2016. The "further investigation" conducted by the NCB was a direct consequence of a judicial mandate to unearth the "source" of the contraband. Counsel emphasized that in complex narcotics networks, the identity of the "upstream supplier" often emerges only after a deep-dive inquiry into the supply chain, and as such, the timing of the Petitioner's impleadment is "sufficiently explained" by the change in investigating agencies.

4.3. On the issue of admissibility of evidence, the NCB's counsel argued that the ratio of *Tofan Singh vs. State of Tamil Nadu* should not be applied at this preliminary stage to quash the entire proceedings. It was contended that the statements recorded under Section 67 of the NDPS Act provide a vital "prima facie" link that must be tested during a full-fledged trial. Learned Counsel submitted that "corroboration" is a matter of evidence to be appreciated by the Trial Court after the examination of witnesses, and the Revisional Court should loathe conducting a "mini-trial" to determine the weight of the material at the stage of framing charges.

4.4. Regarding the "evidential nexus," the prosecution highlighted that the Petitioner is not a stranger to the trade. Reliance was placed on the criminal antecedents of the Petitioner, specifically his involvement in NCB Crime No. 07/2012 involving 2.9 kg of Charas. It was argued that the consistency between the statements of co-accused Melvin Smith and the Petitioner's own purported admissions creates a "chain of circumstances" that clearly points toward a conspiracy under Section 29 of the NDPS Act. The NCB maintained that the Petitioner acted as the "root" of the supply chain, and his role in "financing" or "abetting" the trade attracts the rigors of Section 27A and Section 25 of the Act.

4.5. Finally, responding to the Petitioner’s claim of "violation of Article 21," Learned Counsel for the NCB argued that the trial has remained stalled primarily due to the revisional stay obtained by the Petitioner himself since 2018. It was submitted that a person accused of organized drug trafficking cannot take advantage of a "self-created" delay to seek the quashing of a case. The prosecution urged the Court to consider that the materials on record are sufficient to show a *prima facie* involvement, and any "disputed questions of fact" regarding telephonic records or monetary trails are matters for the Trial Court to determine upon the conclusion of the evidence.

4.6. In conclusion, the Narcotics Control Bureau has prayed for the outright dismissal of the revisional application. It was submitted that the interest of justice and the safety of the society at large demand that the Petitioner be made to stand trial. The Agency further prayed for a direction to the Learned Special Judge, Alipore, to expedite the trial and conclude the proceedings within a fixed timeframe, asserting that "quashing" at this juncture would grant an underserved immunity to a habitual offender involved in the illicit trafficking of commercial quantities of narcotics.

5. POINTS FOR DETERMINATION

5.1. Whether the "further investigation" conducted by the Narcotics Control Bureau (NCB) between 2016 and 2017—resulting in the impleadment of the Petitioner five years after the initial seizure—is "sufficiently explained" by the judicial order of this Hon'ble Court in CRR 1730 of 2013, or whether such a delayed prosecution constitutes an "afterthought" that vitiates the proceedings against the Petitioner.

5.2. Whether, in light of the landmark judgment of the Hon'ble Supreme Court in *Tofan Singh vs. State of Tamil Nadu (2021)*, the Prosecution Complaint against the Petitioner can be sustained when the *prima facie* material consists almost exclusively of "confessional" statements recorded under Section 67 of the NDPS Act by the NCB officers.

5.3. Whether the total absence of physical recovery from the Petitioner, coupled with the lack of a telephonic nexus (CDRs) or a financial trail (bank transactions), renders the charge of "Criminal Conspiracy" under Section 29 and "Financing Illicit Traffic" under Section 27A legally unsustainable at the stage of framing of charges.

5.4. Whether the death of the primary intermediary, Andre Douglas @ Ginger, prior to the Petitioner's impleadment, has caused such "irreparable prejudice" to the Petitioner's right to cross-examination and defense that the continuation of the trial would amount to a violation of the principles of natural justice.

5.5. Whether the pendency of this criminal proceeding for over fourteen years (2012–2026) violates the Petitioner's Fundamental Right to a Speedy Trial under Article 21 of the Constitution of India, particularly where the delay is a composite result of judicial transfer, agency transitions, and revisional stays.

5.6. Whether the present case falls within the "rarest of rare" categories as defined in *State of Haryana vs. Bhajan Lal*, where the allegations in the complaint, even if taken at their face value, do not prima facie constitute a legal offence against the Petitioner, thereby justifying the exercise of this Court's inherent power to quash the proceedings to prevent an abuse of the process of law.

6. DISCUSSIONON THE LEGALITY OF "FURTHER INVESTIGATION" AND DELAYED IMPLEADMENT

6.1. The first and perhaps most fundamental question that falls for the consideration of this Court is whether the impleadment of the Petitioner in the year 2017, arising out of a seizure occurring as far back as July 2012, is legally sustainable, or whether such a hiatus vitiates the very foundation of the prosecution against him.

6.2. It is a matter of record, as noted in the factual matrix hereinabove, that the initial investigation conducted by the Narcotic Cell of the Kolkata Police concluded with a charge sheet in December 2012, wherein the Petitioner's name was conspicuously absent. The Petitioner's involvement surfaced only after the investigation was transferred to the Narcotics Control Bureau (NCB) by a judicial mandate of this Court on September 29, 2016. The NCB, invoking its powers of "further investigation," contends that this delay was a procedural necessity born out of the previous agency's failure to identify the "source" of the contraband.

6.3. To test the legality of this "further investigation," I must first refer to Section 173(8) of the Code of Criminal Procedure, 1973, which explicitly permits the investigating agency to conduct further probe and submit a supplementary report even after the Magistrate has taken cognizance of the primary offense. The Hon'ble Supreme Court has consistently held that the statutory right of the police to conduct a further investigation is not exhausted by the filing of a single charge sheet. However, such a power must be exercised with "due diligence" and cannot be used as a tool to fill up gaps in a "stale" prosecution.

6.4. In the instant case, the NCB justifies the five-year delay by relying on the specific circumstances of the transfer. Learned Counsel for the NCB argued that the "Himachal Connection" was a latent fact that only a specialized federal agency could unearth. Per contra, the Petitioner argues that this is a case of "intentional padding." He relies on the ratio of *State of Andhra Pradesh vs. A.S. Peter [(2008) 2 SCC 383],* where the Apex Court observed that while further investigation is permissible, it cannot be a "re-investigation" or a "fresh investigation" started *ab initio* to satisfy a different theory.

6.5. Upon a careful perusal of the Case Diary and the Prosecution Complaint, this Court finds that the NCB's entry into the matter was not a voluntary act but was triggered by a specific direction of this Court in CRR 1730 of 2013. In that proceeding, this Court had observed:

> *"The investigation conducted by the State Police appears to be far from reality... it is a fit case where the investigating agency should be changed to unearth the true source."*

6.6. Therefore, strictly on the point of procedure, the delay in naming the Petitioner cannot be termed as "unexplained laches" on the part of the NCB. The agency took over a "cold case" in October

2016 and submitted its complaint in March 2017. Within the context of the NCB's timeline, the investigation moved with reasonable dispatch. The delay from 2012 to 2016 was a systemic delay caused by the "dissatisfactory" probe of the local police, which was subsequently corrected by judicial intervention.

6.7. However, the mere fact that the delay is "explained" does not automatically validate the quality of the evidence discovered during such a delayed probe. The Petitioner has rightly relied on the spirit of the *Bhajan Lal* ratio, arguing that if a further investigation, conducted after a gap of five years, produces no "new" physical evidence but relies solely on the "re-statement" of old accused persons, such a probe becomes suspect.

6.8. In this context, we must examine the "inter-agency" link. The NCB discovered the Petitioner's name while he was already in custody for NCB Crime No. 07/2012. While the NCB argues this shows a "pattern of conduct," the Petitioner contends it shows a "pattern of convenience"—that the agency simply picked a known offender from their records to satisfy the High Court's demand for a "source."

6.9. Consequently, while this Court answers Point No. 1 by holding that the "further investigation" was procedurally valid under Section 173(8) Cr.P.C. and sufficiently explained by the judicial order of 2016, this validity is subject to a vital caveat: *The delay, though* *explained, places a heavier burden on the prosecution to produce "independent corroborative material" that survives the test of time.*

6.10. Having established that the NCB had the legal authority to implead the Petitioner at a later stage, I must now move to the more substantial question: Whether the material discovered during this legally valid "further investigation" is admissible in the eyes of the law? This leads me naturally to the discussion on Point No. 2, involving the impact of the *Tofan Singh* judgment on the Section 67 statements which form the bedrock of this delayed prosecution.

7. DISCUSSION ON ADMISSIBILITY OF SECTION 67 STATEMENTS POST-TOFAN SINGH

7.1. Having held that the "further investigation" by the NCB was procedurally sanctioned under Section 173(8) of the Code, this Court now address the more substantial challenge: the legal quality of the material discovered during that period. The Petitioner's primary contention is that the entire Prosecution Complaint, insofar as it impleads him as Accused No. 5, is built upon a "house of cards" consisting solely of statements recorded under Section 67 of the NDPS Act, 1985.

7.2. The law governing the admissibility of such statements has undergone a tectonic shift during the pendency of this revision. The Learned Advocate for the Petitioner has placed heavy reliance on the landmark judgment of the Hon'ble Supreme Court in *Tofan Singh vs. State of Tamil Nadu [(2021) 4 SCC 1].* In that case, the

Majority Opinion of the Full Bench effectively dismantled the long-standing practice of treating confessions made to NCB officers as substantive evidence.

7.3. The Hon'ble Apex Court, in Paragraph 158 of the *Tofan Singh* judgment, categorically held:

> *"We hold that the officers who are invested with powers under Section 53 of the NDPS Act are 'police officers' within the meaning of Section 25 of the Evidence Act, as a result of which any confessional statement made to them would be hit by the provisions of Section 25 of the Evidence Act, and cannot be taken into consideration by the Court to convict an accused under the NDPS Act."*

7.4. Applying this ratio to the present facts, this Court notes that the "prima facie material" cited by the NCB against Ramlal consists of:

i. The statement of co-accused Melvin Smith;

ii. The statement of the deceased Andre Douglas @ Ginger; and

iii. The purported voluntary confession of the Petitioner himself, recorded on February 8, 2017.

7.5. Under the mandate of *Tofan Singh*, all three categories of statements are rendered inadmissible as substantive evidence. The statement of a co-accused cannot be used to "marshal" a case against another, and the Petitioner’s own statement, being a confession to a "police officer" (as defined by the Apex Court for the purposes of the NDPS Act), is hit by the exclusionary rule of the Evidence Act.

7.6. The NCB has argued that these statements should still be considered at the stage of "framing of charges" to show a *prima facie* case. However, this Court must refer to the subsequent clarification by the Hon'ble Supreme Court in *State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta [(2022) 12 SCC 633],* where it was observed that:

> *"The trial court as well as the High Court were quite right in holding that a confession recorded under Section 67 of the NDPS Act will remain inadmissible and cannot be used as a substantive piece of evidence... even for the purpose of justifying the continued custody of the accused.*

7.7. "It logically follows that if such material cannot justify "custody," it certainly cannot justify the prolongation of a criminal trial that has already been delayed by fourteen years. A trial cannot be a "fishing expedition" where the prosecution hopes to stumble upon evidence that it failed to secure during the investigation.

7.8. Furthermore, the death of Andre Douglas @ Ginger in 2015 creates a unique evidentiary vacuum. Even if, for the sake of argument, his statement was treated as a "statement of a deceased person" under Section 32 of the Evidence Act, it would still fail the test of reliability because it was recorded by a police officer under the coercive atmosphere of an NDPS investigation, without the safeguard of cross-examination.

7.9. Consequently, this Court finds that the "further investigation" conducted by the NCB, while procedurally valid, has failed to produce any legally admissible material that could survive the scrutiny of a trial. The reliance on Section 67 statements—in the absence of any "recovery" or "independent corroboration"—renders the prosecution’s case against the Petitioner legally "dead on arrival."

7.10. This finding on the inadmissibility of the core evidence naturally necessitates an inquiry into whether there exists any independent corroborative material—such as digital footprints or financial trails—that could bypass the *Tofan Singh* hurdle. This leads me to the discussion on Point No. 3, where I shall examine the "missing links" in the alleged conspiracy.

8. DISCUSSION ON ABSENCE OF INDEPENDENT CORROBORATIVE EVIDENCE

8.1. The conclusion reached in the preceding point that Section 67 statements are inadmissible ordinarily marks the end of a prosecution under the NDPS Act unless the Agency can demonstrate the existence of independent corroborative material. In the present case, the NCB contends that the Petitioner was the "source" of a commercial quantity of Charas. However, a "source" in a criminal conspiracy under Section 29 cannot be identified by mere verbal assertions of co-accused; there must be a "nexus" established through tangible evidence.

8.2. Upon a meticulous examination of the Prosecution Complaint and the records of the "further investigation," this Court finds a glaring "evidential vacuum" regarding the following three pillars of a narcotics conspiracy, the Absence of Physical Recovery, the Lack of Telephonic Nexus (CDRs) and the Absence of a Financial Trail.

8.3. It is undisputed that no contraband was recovered from the person, premises, or conscious possession of the Petitioner in connection with the Tiljala seizure of July 2012. While Section 29 of the NDPS Act punishes the "abettor" and "conspirator" even in the absence of recovery, the Hon'ble Supreme Court in *State of Punjab vs. Baldev Singh [(1999) 6 SCC 172]* has emphasized that the rigors of the Act demand a higher standard of proof when the liberty of a citizen is at stake. Without a "recovery" to link the Petitioner to the specific batch of 1.050 kg of Charas, the prosecution relies entirely on a "ghost trail."

8.4. In modern narcotics jurisprudence, Call Detail Records (CDRs) often serve as the "digital glue" that binds a conspiracy. The Ld. Advocate for the Petitioner has rightly pointed out that the NCB has failed to produce any CDRs, tower location data, or subscriber details to show that the Petitioner in Himachal Pradesh was in communication with Melvin Smith or Rajeev Mohta in Kolkata during the relevant period of 2011-2012. In Karan Talwar vs. State (2024), it was observed that:

> *"In the absence of any recovery, the telephonic contact between the accused persons becomes the primary link to establish a meeting of minds. If that link is missing, the charge of conspiracy fails."* In the instant case, the five-year delay in the NCB’s entry has resulted in the "evaporation" of this digital evidence, a lapse that cannot be held against the Petitioner.

8.5. The NCB alleges that the Petitioner sold Charas for a profit of Rs. 5,000 per kg. However, the "further investigation" has not yielded a single bank statement, wire transfer, or ledger entry to show that money flowed from the "organizers" in Kolkata to the "supplier" in Kullu. To sustain a charge under Section 27A (Financing Illicit Traffic), the prosecution must show the actual "financing" or "harboring." A mere statement of an accused that "money was paid" is not a substitute for the financial audit required by law.

8.6. The NCB has urged this Court to consider the "Criminal Antecedents" of the Petitioner as a corroborative factor. While the Petitioner’s involvement in NCB Crime No. 07/2012 may paint him as a person of interest, it is a settled principle of criminal law that an accused cannot be convicted in "Case B" simply because he is an accused in "Case A." Each case must stand on its own legs. The "bad character" of the Petitioner is not a substitute for "prima facie evidence" of his involvement in this specific seizure of 1.050 kg of Charas.

8.7. Consequently, this Court finds that the "further investigation" has failed to unearth any independent, scientific, or documentary evidence to corroborate the inadmissible statements recorded under Section 67. The "chain of circumstances" is not just broken; its links were never forged.

8.8. The cumulative effect of the findings on Points 1, 2, and 3 leads to an inescapable conclusion that the Petitioner has been impleaded after a five-year delay based on material that is legally inadmissible and factually uncorroborated. This brings me to the final consideration that whether, in light of these failures, the continuation of the trial constitutes a violation of the Petitioner’s fundamental rights. This court shall now address Point Nos. 4 and 5 regarding the prejudice caused by the death of a witness and the violation of the Right to a Speedy Trial.

9. DISCUSSION ON IMPACT OF THE DEATH OF A CRUCIAL LINK AND THE RESULTANT PREJUDICE

9.1. Even if one were to momentarily set aside the rigors of the *Tofan Singh* doctrine, a "just and proper" adjudication of this revision requires this Court to examine the practicality of a trial after a lapse of fourteen years, specifically in light of the death of the alleged kingpin intermediary, Andre Douglas Feol @ Ginger.

9.2. The prosecution's narrative is that the Petitioner, based in Himachal Pradesh, had no direct contact with the distributors in Kolkata; the entire "bridge" of the conspiracy was built upon the person of "Ginger," who purportedly collected the contraband from the Petitioner and transported it to the co-accused. It is a matter of record that the said "Ginger" died in the year 2015—two years before the NCB formally impleaded the Petitioner and five years before any trial could realistically commence against him.

9.3. This Court finds that the death of the solitary link between the "Source" (the Petitioner) and the "Seizure" (in Kolkata) creates a constitutional crisis for the defense. Under Article 21 of the Constitution of India, the right to a "Fair Trial" is an inalienable component of the Right to Life. A fair trial necessarily includes the right of an accused to cross-examine the person whose statements or actions form the primary basis of the charge against him.

9.4. The Learned Advocate for the Petitioner has argued, with significant merit, that by naming the Petitioner only after the death of "Ginger," the NCB has effectively stripped the Petitioner of his "Shield of Defense." There is no living witness who can testify to the alleged "meeting of minds" between the Petitioner and the deceased middleman. The Petitioner is now asked to defend himself against a "ghostly" allegation that cannot be corroborated or refuted by the only person who could have spoken to the truth of the transaction.

9.5. In this context, I refer to the principle that "Justice must not only be done but must be seen to be done." If a trial proceeds under these circumstances, the Petitioner would be forced into a "blind trial" where the primary evidence against him is a dead man’s statement, a statement that was recorded by a police officer while the deceased himself was an accused under the threat of prosecution. This Court holds that such a scenario violates the fundamental principle of Natural Justice and the "Right to Confrontation" which is a hallmark of an adversarial criminal justice system.

9.6. Furthermore, the delay in impleading the Petitioner (2012–2017) and the subsequent delay in the trial (2017–2026) has led to the "fading of memory" of other official witnesses. It is highly improbable that seizure witnesses or investigating officers could reliably recall the nuances of a 2012 transaction to provide a fair opportunity for cross-examination.

9.7. Consequently, this Court finds that the death of the primary intermediary, coupled with the systemic delay, has caused irreparable prejudice to the Petitioner. The "bridge" of the conspiracy having collapsed with the demise of Andre Douglas @ Ginger, any attempt to reconstruct it through the inadmissible statements of other co-accused would be a legal fallacy.

9.8. This leads me to the final and cumulative consideration of Point No. 5: Whether this structural prejudice, combined with the fourteen-year timeline, constitutes a terminal violation of the Right to a Speedy Trial. I shall now address the constitutional mandate of Article 21 in the concluding phase of our discussion.

10. DISCUSSION ON VIOLATION OF THE RIGHT TO A SPEEDY TRIAL AND THE EXERCISE OF INHERENT POWERS UNDER SECTION 482 CR.P.C.

10.1. The final and perhaps most overarching questions before me are whether the fourteen-year pendency of this proceeding constitutes a terminal violation of the Petitioner's Fundamental Right to a Speedy Trial, and whether this is a fit case for the exercise of this Court's Inherent Powers to quash the prosecution.

10.2. It is a settled legal proposition that the right to a speedy trial is an inalienable component of the "Right to Life and Liberty" enshrined in Article 21 of the Constitution of India. In the seminal case of *P. Ramachandra Rao vs. State of Karnataka [(2002) 4 SCC 578],* the Hon'ble Supreme Court reaffirmed that the State is under a constitutional obligation to provide a speedy trial, and the "sword of Damocles" cannot be permitted to hang over the head of an accused indefinitely.

10.3. In the present case, the timeline is staggering. The alleged offence occurred in July 2012. The Petitioner was impleaded in March 2017. We are now in the year 2026. This fourteen-year delay is a composite result of an initially "ineffective" investigation by the local police, a subsequent transition to the NCB, and a protracted revisional stay. While the NCB argues that the delay is "procedural," this Court must look at the prejudice caused to the accused. As observed in *Abdul Rehman Antulay vs. R.S. Nayak [(1992) 1 SCC 225],* the "Right to a Speedy Trial" is not a mere soft-hearted sentiment but a constitutional mandate to protect an accused from the mental agony and social infamy of a never-ending prosecution.

10.4. This brings me to Point No. 6; the exercise of inherent powers under Section 482 of the Code of Criminal Procedure (now applicable under the relevant provisions of the BNSS). The Hon'ble Supreme Court in *State of Haryana vs. Bhajan Lal [1992 Supp (1) SCC 335]* laid down the categories where the High Court should exercise its power to quash. Category (1) and (3) are squarely applicable here:

> *"Where the allegations made in the first information report or the complaint... even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence..."*

10.5. Having already held in Point Nos. 2 and 3 that the core evidence (Section 67 statements) is legally inadmissible per *Tofan Singh* and that there is a total absence of corroborative material (no recovery, no CDRs, no financial trail), the continuation of the trial would be nothing short of a "judicial charade." To force the Petitioner to stand trial after fourteen years—where the primary link (Andre Douglas @ Ginger) is dead and the evidentiary foundation is non-existent—would be a classic instance of the abuse of the process of law.

10.6. This Court is mindful that narcotics offences are "crimes against society." However, the graver the offence, the stricter must be the adherence to procedural and constitutional safeguards. In *Vakil Prasad Singh vs. State of Bihar [(2009) 3 SCC 355],* the Apex Court held that if the right to a speedy trial is infringed, the only "just and proper" direction is to quash the proceedings. To allow this "stale" prosecution to proceed would be a futile exercise, consuming precious judicial time without any possibility of a legal conviction.

10.7. Consequently, this Court holds that the cumulative delay, the death of a key intermediary, and the lack of admissible material have collectively resulted in a terminal violation of the Petitioner's constitutional rights. This is a fit case where the inherent power of the High Court must be invoked to secure the ends of justice and to prevent the Petitioner from being subjected to further vexatious litigation.

11. FINAL CONCLUSION ON FACTS AND LAW

11.1 Having meticulously appraised the factual matrix and the rival legal contentions as delineated in the preceding paragraphs, this Court arrives at a definite conclusion based on the following synthesized findings:

11.2 While the "further investigation" by the NCB was procedurally sanctioned under Section 173(8) Cr.P.C. and triggered by a judicial mandate, it remains a fact that the Petitioner was impleaded after a five-year hiatus. This Court finds that while the delay was "explained" by the change in investigating agencies, the investigative output failed to bridge the gap between the 2012 seizure and the Petitioner's residence in Himachal Pradesh with any tangible or contemporaneous material.

11.3 This Court concludes as a matter of law that the "prima facie material" relied upon by the NCB is legally non-existent. Following the ratio in *Tofan Singh (2021),* the Section 67 statements of the Petitioner and the co-accused are inadmissible. Furthermore, the total absence of corroborative evidence—specifically the lack of Call Detail Records (CDRs) and a Financial/Bank trail—renders the charge of "Criminal Conspiracy" under Section 29 of the NDPS Act an unsustainable legal fiction. The prosecution's case rests entirely on the "confessions" of accused persons, which the law has now categorically rejected as substantive evidence.

11.4 On facts, the death of the primary intermediary, Andre Douglas @ Ginger, in 2015, has created an incurable "evidentiary void." Since the Petitioner's alleged involvement was exclusively through this deceased middleman, the Petitioner has been stripped of his Right to Confrontation and his ability to mount an effective defense. This Court concludes that forcing a trial where the primary link is deceased and the evidence is inadmissible would result in a "trial by ambush," violating the principles of Natural Justice.

11.5 In view of the fourteen-year timeline (2012–2026), this Court concludes that the Petitioner’s Fundamental Right to a Speedy Trial under Article 21 has been terminally infringed. A trial that has not even commenced its substantive stage after a decade and a half is, by definition, a "failed prosecution." Consequently, this is a fit case for the exercise of the Inherent Powers of the High Court under Section 482 of the Code of Criminal Procedure (and the corresponding provisions of the BNSS) to prevent the continued abuse of the judicial process.

12. CONSEQUENTIAL ORDERS AND DIRECTIONS

12.1. In view of the findings on the questions of law and fact recorded hereinabove, and for the purpose of the final and complete disposal of this revisional application, the following consequential orders and directions are hereby issued:

a) In the result, the revisional application being C.R.R. 3455 of 2017 is hereby allowed.

b) The proceedings in connection with the Prosecution Complaint filed by the Narcotics Control Bureau (NCB) arising out of Tiljala P.S. Case No. 274 of 2012 (corresponding to Special Case No. 138/2012), including all subsequent supplementary charges or materials submitted thereunder, presently pending before the Learned Special Judge, NDPS Act, Alipore, are hereby quashed and set aside insofar as they relate to the Petitioner, Ramlal.

c) The Petitioner is discharged from the rigors of the criminal prosecution in this case.

   i. If the Petitioner is currently in custody in connection with this specific case, he shall be released forthwith, unless his detention is required in connection with any other legal matter.

   ii. If the Petitioner is on bail, the underlying Bail Bonds and sureties shall stand cancelled and discharged, and

12.2. All connected applications, if any, also stand disposed of.

12.3. The interim stay granted earlier by this Court in this matter stands vacated in light of the final quashing of the proceedings against the Petitioner.

12.4. The Learned Special Judge, NDPS Act, Alipore, is directed to immediately recall and vacate any outstanding Warrant of Arrest (W.B.A./N.B.W.), Proclamation and Attachment orders (u/s 82/83 Cr.P.C. or corresponding BNSS provisions), or "Look Out Circulars"

(LOC) issued against the Petitioner in connection with this proceeding.

12.5. Any personal documents, identification papers, or financial securities belonging to the Petitioner that were seized by the NCB or deposited with the Learned Trial Court as a condition of bail or investigation shall be returned to the Petitioner or his authorized representative upon proper identification and application, within a period of four weeks from the date of this order.

12.6. Since this order of quashing is based on the specific "lack of link" and "inadmissibility of evidence" pertaining to the Petitioner (Accused No. 5), the Learned Trial Court is at liberty to proceed with the trial against the remaining accused persons (specifically Accused Nos. 1, 2, 3, and 4), if they are surviving and available for trial.

12.7. The Learned Trial Court is directed to take note of this order and proceed with the trial against the remaining accused persons, if any, with utmost expedition without granting unnecessary adjournments to either party.

13. There shall be no order as to costs.

14. Let a copy of this judgment be sent down to the Learned Trial Court immediately for information and necessary compliance.

15. Urgent photostat certified copies of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

16. The Department is directed to send down the LCR (Lower Court Records), if brought to this Court, along with a copy of this Judgement and Order to the Learned Special Judge, NDPS Act, Alipore, within seven working days from today.

(Uday Kumar, J.)