

CIS REGN. NO. NDPS/44/2020
IN THE COURT OF THE JUDGE, SPECIAL COURT (UNDER NDPS ACT) AT
SILIGURI.
C.R.(NDPS) CASE NO.44 OF 2020
STATE OF WEST BENGAL
VERSUS
JAILAL ABEDIN @ JAINAL.....ACCUSED PERSON

Order No.17 dated 25.3.2021:

The accused Jailal Abedin @ Jainal is produced from JC but not produced in the Court room due to non availability of guard. Bail petition is filed and moved on behalf of the accused person.

Today is fixed for IO's report as to when he expects the chemical examination report to arrive.

The Ld. Advocate for the accused submits that the accused is innocent and has been falsely charged.

Ld. P.P. raises objection on the ground that the amount seized is of commercial quantity.

No report has been received from the IO. The charge sheet was filed on 18.1.2021 without chemical examination report. Since then charge could not be framed due to absence of chemical examination report. The accused has been in custody for 225 days. The amount seized is just above the commercial quantity (22.5 Kgs of suspected Ganja). There is no scope for immediate commencement of trial. An accused in custody is entitled to speedy trial. He cannot be detained indefinitely without trial and the same is not possible unless the chemical examination report is filed.

Considering all facts and relying on the Division Bench judgment of the Hon'ble Calcutta High Court in 2014 Cri.L.J. 4823 (re. Sahidul Mahaldar), the prayer for bail is allowed.

The accused Jailal Abedin @ Jainal be released on interim bail of Rs.30,000/- (Thirty thousand) with two sureties of Rs.15000/- (Fifteen thousand) each, of which one must be local subject to satisfaction of Ld. ACJM, Siliguri.

To 28.4.2021 for appearance, if released on bail and submission of chemical report.

Dict. & corrected by me:

Sd/-
Judge, Special Court
(NDPS Act) at Siliguri.

Sd/-
Judge, Special Court
(NDPS Act) at Siliguri.
WB00811.

OFFICE OF THE
JUDGE, SPECIAL COURT (NDPS ACT)
SILIGURI.

No...../NDPS/SLG.

Dated:.....2021.

Copy forwarded for information to :

Ld. ACJM, Siliguri

Judge, Special Court
(NDPS Act) at Siliguri.