

**Present : Shri Soumen Sarkar,  
Judge, Spl. Court under NDPS Act,  
ADJ, 3<sup>rd</sup> Court, Purulia  
JO Code- WB00889.**

**N.D.P.S. Case No.01 of 2012  
N.D.P.S. Case No.02 of 2015**

**Or. No. 67  
Dt.08.11.2024**

This day is fixed for evidence of CSW no.9 as per schedule.

Ld. Spl. P.P namely Sri Gangadhar Mahato is present and filed hazira.

Out of two accused persons on CB, accused Banka Kumar is present by filing hazira and accused Sabir Ansary is absent today by filing a petition under Section 317 Cr.P.C. on the ground stated therein.

Perused the petition under Section 317 Cr.P.C.

Considered and prayer under Section 317 Cr.P.C is allowed.

No witness has turned up today.

Ld. PP in Charge is present and submitted that in spite of issuing summons upon CSW nos.6, 7 & 9 neither the witnesses turned up in Court today nor any service returned report of the summons have been received from the P.S. concerned.

It is imperative to note here that the FIR of this case was lodged on 18-01-2012 but the charge in this case was framed on 21-04-2012 under Sections 20(b)(ii)(B)/29 of the NDPS Act. It is pertinent to note here that till date the Prosecution could only adduced six witnesses. The incident of this case is almost a decade old. There is allegation of transporting selling Ganja against these 02 accused persons. Therefore, this Court is of the opinion that expeditious disposal of the trial is very much necessary. This Court is aware of the direction passed by the Hon'ble High Court, Calcutta in **CRR 854/2011, Chakina Khatun Vs. State of West Bengal and Anr.** and in view of the solemn direction of the Hon'ble High Court, an order has to be passed upon the Officer- in-Charge of the concerned police station for instructing the IO of this case to produce the witnesses during trial.

Accordingly, the Officer-in-Charge of Kashipur PS is directed either to instruct the IO of this case(if the said IO is still posted in that P.S) or to depute any competent police personnel to produce the rest witnesses of Kashipur P.S. Case no.08/12 dated 18-01-2012 positively on the next schedule of the trial and failure to comply the order will ensure necessary consequences as per the guideline of the Hon'ble High Court, Calcutta passed in Chakina Khatun (supra).

Let a copy of this order be sent to the Officer-in-Charge concerned for information and compliance.

Case is adjourned today.

Fixing **13-12-2024** for evidence of CSW No.6.

**16-12-2024** for evidence of CSW No.7.

**17-12-2024** for evidence of CSW No.8.

**18-12-2024** for evidence of CSW No.9.

Issue summons upon the witnesses accordingly.

Alamat of this case, if any, must be produced on the next date.

Accused will remain on Court bail as before.

**Dictated & Corrected by me**

**Sd/-  
Judge, Spl. Court under NDPS Act,  
ADJ, 3<sup>rd</sup> Court, Purulia.**

**Sd/-  
Judge, Spl. Court under NDPS Act,  
ADJ, 3<sup>rd</sup> Court, Purulia.**

