

63 05.09.2017  
rkd Ct. No.28

**C.R.R. 2741 of 2017  
with  
C.R.R. 2816 of 2017  
with  
C.R.R. 2781 of 2017  
with  
C.R.R. 2756 of 2016  
with  
C.R.R. 2784 of 2017  
with  
C.R.R. 2586 of 2017  
with  
C.R.R. 2518 of 2017  
with  
C.R.R. 2926 of 2017**

**Dilip Kumar Dutta  
-vs-  
The State of West Bengal**

Mr. A. Bhattacharyya  
....for the petitioner in CRR 2816 of 2017.  
Mr. S. Panchal  
....for the petitioner in CRR 2741 of 2017.  
Mr. A. Chatterjee,  
Mr. J. J. Hossain  
....for the petitioner in CRR 2781 of 2017  
& CRR 2784 of 2017.  
Mr. D. Kar,  
Mr. S. K. Deb  
....for the petitioner in CRR 2756 of 2016.  
Mr. K. Bagchi  
....for the petitioner in CRR 2586 of 2017  
& CRR 2518 of 2017  
& CRR 2926 of 2017.

In these cases the petitioners/accused persons are facing custodial trial for alleged possession of narcotic substances. Though bail has been denied to them primarily in view of the statutory restriction engrafted in Section 37 of the NDPS Act, there is complete indifference on the part of the prosecution agency to conclude the trial as promptly as possible.

Learned Public Prosecutor appears on behalf of the State with Mr. Basu and submits that necessary steps have been taken to conclude the trials at an early date.

In cases under the Narcotic Drugs and psychotropic

Substances Act, particularly, those involving in commercial quantity severe restrictions are imposed on the discretion of a court to grant bail to an accused pending trial. Accordingly, a large number of accused persons languish in jail while their trials linger on for years. Although such delays at times may be engineered at the behest of the accused persons, there are a large number of cases where the delay is due to non-attendance of witnesses/absence of judicial officers/heavy pendency and other systemic reasons.

I am informed that there is heavy pendency in the files of the Special Courts in different districts in the State of West Bengal. Trials ordinarily protract for many years while accused persons languish in jail. It is also brought to my notice that due to absence of adequate number of forensic laboratories in the State, investigation is delayed due to non-availability of chemical report. It is also reported that due to inordinate delay in trial, there have been incidents of jail violence in different districts like Murshidabad and North 24 Parganas in the recent part.

Accordingly, Registrar (Judicial Service) is directed to furnish the report before this Court as to the pendency of narcotic cases in the various Special Courts in the State of West Bengal and also specify the number of cases wherein the accused persons are facing custodial trial. Such report be filed positively before this Court one week after ensuing Puja vacation.

Learned counsel for the State is also directed to submit report as to the status of the trial in each of these cases and the next date fixed before the trial court on the next date of hearing.

Trial courts are directed to proceed with the matter with utmost expedition in the meantime.

Let photostat plain copy of this order duly countersigned

by Assistant Registrar (Court) be handed over to the learned lawyers for the parties on usual undertaking.

**(Joymalya Bagchi, J.)**

