

AD-19
Ct No.01
Jalpaiguri
13.09.2023
B.Pal

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 625 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.08.2023 in connection with CR (NDPS) Case No.97/2021, arising out of Pradhannagar Police Station Case No. 601 of 2021 dated 07.08.2021 under Sections 20(b)/22(b) of the NDPS Act, 1985.

And

In the matter of: **NEEMA DORJEE TAMANG**

Mr. Arunava Paul,

... for the petitioner

Mr. Nilay Chakraborty,
Mr. Tapan Bhattacharjee

... for the State

1. Learned counsel for the petitioner submits that there were clear violations of law insofar as the sample was sent for examination after about one month from seizure, contrary to the provisions of law which mandate that the same has to be sent within 72 hours. That apart, there were several irregularities in the apprehension of the petitioner and the certification of inventory of the articles.
2. Learned counsel for the State opposes the prayer for bail and denies the allegations made by the petitioner. It is submitted

that it is well-settled that a miniscule amount of delay does not vitiate the FSL Report.

3. More importantly, the prayer for bail of the petitioner was rejected as recently as on July 31, 2023 by a reasoned order by a coordinate Bench. We do not find any change of circumstance after the said date, sufficient to reconsider the refusal of bail.
4. Accordingly, CRM (NDPS) 625 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)