

AD-19
Ct No.01
Jalpaiguri
22.09.2023
B.Pal

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

CRM (NDPS) 631 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.08.2023 in connection with Cooch Behar Kotwali Police Station Case No. 21 of 2023 dated 05.01.2023, under Section 22(c)/25/29 of the NDPS Act, 1985.

And

In the matter of: EKRAMUL HAQUE @ AKRAMUL HAQUE
...Petitioner

Mr. Partha Pratim Sarkar,
Mr. Sudip Guha,
Mr. Sandip Guha Roy

... for the petitioner

Mr. Kallol Acharjee,
Mr. Arjun Chowdhury,

... for the State

1. Learned counsel for the petitioner points out that there is contravention of the provision of Section 52A of the NDPS Act inasmuch as the sample was sent for chemical examination without certificate of inventory. Moreover, a co-accused person has already been granted bail.
2. Learned counsel for the State opposes the prayer for bail.

3. However, in view of the facts, as indicated by learned counsel for the petitioner and narrated above, we are of the opinion that there is sufficient ground for overriding the restriction of Section 37 of the NDPS Act.
4. Hence, CRM (NDPS) 631 of 2023 is thus allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Special Court under NDPS Act, at Cooch Behar.
5. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
6. Further, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)