

AD-56
Ct No.01
Jalpaiguri
22.09.2023
SP

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

CRM (NDPS) 692 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.09.2023 in connection with Siliguri Police Station Case No. 154 of 2022 dated 29.01.2022 under Sections 21(c)/22(c) of the NDPS Act, 1985.

And

In the matter of: FATE ALI @ FATEH ALI

Mr. Arunava Paul

... for the petitioner

Mr. Aditi Shankar Chakraborty
Mr. Aniruddha Biswas

... for the State

1. Learned counsel for the petitioner has made out a strong case for bail insofar as there is a prima facie violation of Section 52A of the NDPS Act, as the sample was sent for chemical examination prior to issuance of certificate of inventory.
2. Hence, the rigours of Section 37 of the NDPS Act, is not available in the present case.
3. Accordingly, CRM (NDPS) 692 of 2023 is 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 Siliguri.

4. 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.
5. 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.)