

D/L. 46.
September 22, 2023.
MNS

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

CRM (NDPS) 694 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.09.2023 in connection with Siliguri Police Station Case No. 59 of 2023 dated 26.01.2023 under Sections 21(c)/22(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Md. Jahangir

.... Petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das

... for the petitioner

Mr. Abhijit Sarkar,
Mr. Sourav Ganguly

... for the State.

1. The petitioner has made out a sufficient prima facie case to dislodge the restriction under Section 37 of the NDPS Act insofar as the sample received certification of inventory after being sent for chemical examination, which prima facie vitiates the process, although learned counsel appearing for the State opposes the prayer for bail.
2. Accordingly, CRM (NDPS) 694 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, Siliguri.

3. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.
4. 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.)