

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

15.03.2024
Court No.1
(D/L 09)
(AK)

CRM (NDPS) 106 OF 2024

In Re: An application for post arrest bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Pradhan Nagar Police Station Case No.339 of 2023 dated 11.05.2023 under Section 20(b)(ii)(c) of N.D.P.S. Act, 1985.

And

In the matter of: **Leela Chowdhary & Anr.**

... Petitioners.

Mr. Subham Ghosh
Mr. Mayank Roy

...for the petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Nilay Chakraborty
Mr. Biswarup Roy

...for the State.

1. Learned counsel appearing for the petitioners places an order passed by this court on 14th March, 2024 in CRM(NDPS) 72 of 2024 and submits that the petitioners are on the same footing as the petitioner in CRM(NDPS) 72 of 2024.
2. We also find that the present matter as well as the matter decided on 14th March, 2024 arises out of Pradhan Nagar Police Station Case No.339 of 2023 dated 11.05.2023.
3. Hence, the fact of a delay of ten days between certification of the seized sample and sending the samples for chemical testing and application of Rule 13 of the 2022 Rules are the

same. Rule 13 mandates that the samples should be directly sent to the CFSL for chemical testing without any delay.

4. We hence do not find any reason to take a different view of the matter from the view taken by us in CRM(NDPS) 72 of 2024.
5. These facts are sufficient to rebut the statutory restriction of Section 37 of the NDPS Act.
6. We are hence inclined to allow the prayer for bail.
7. The petitioners shall accordingly be released on bail upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge (under the NDPS Act) and the Learned Additional Sessions Judge, 2nd Court, Siliguri. The petitioners shall not induce or influence witnesses or tamper with evidence in any manner whatsoever. The petitioners shall also make themselves available for the trial as and when the petitioners are required and shall also not leave the local limits of the concerned Police Station during the entire period of trial without obtaining leave from the learned Court.
8. C.R.M.(NDPS) 106 of 2024 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)