

JPD-11
Ct No.01
22.07.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 254 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with New Jalpaiguri Police Station Case No. 1091 of 2023 dated 21.11.2023 under Sections 21 (c)/22(c) of the NDPS Act.

And

In the matter of: **Madan Sharma @ Madan Chandra Sharma**

.... petitioner

Mr. Jaydeep Kanta Bhowmik
Ms. Debi Sarkar
Mr. Sayantan Bhowmik
Mr. Subham Kumar
Ms. Rikta Sarkar
Ms. Sayantani Das

... for the petitioner

Mr. Nilay Chakraborty
Mr. Arjun Chowdhury

... for the State

1. In view of the prolonged delay in sending the sample for chemical analysis, being of about 52 days, palpable doubt is cast on the involvement of the petitioner in the concerned offence and as to whether the petitioner shall commit such offence if enlarged on bail.
2. Thus, the rigours of Section 37 of the NDPS Act cannot operate as a bar in the present case insofar as the grant of bail is concerned, although learned counsel for the prosecution opposes the prayer for bail.
3. Accordingly, CRM (NDPS) 254 of 2024 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish

a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, First Court at Jalpaiguri.

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 evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)