

JPD-13
Ct No.01
22.07.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 256 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Jaigaon** Police Station Case No. **131** of **2023** dated **14.05.2023** under Section **22(C) of the NDPS Act, 1985**.

And

In the matter of: **Sri Ganesh Darjee.**

.... petitioner

Mr. Kalipada Das

... for the petitioner

Mr. Nilay Chakraborty, Ld. APP,
Mr. Sourav Ganguly

... for the State

1. Learned counsel for the petitioner submits that there was a delay of about four days in sending the sample for chemical analysis. Moreover, it is argued that the charge sheet was filed without the FSL report.
2. Learned counsel appearing for the State opposes the prayer for bail and submits that the miniscule delay in sending the sample cannot be a justification for grant of bail, overriding the provisions of Section 37 of the NDPS Act, 1985. That apart, in the charge sheet itself, there is an indication that the FSL report shall be filed as and when obtained.

3. We do not find that sufficient ground has been made out to override the otherwise mandatory provisions of Section 37 of the NDPS Act to grant bail to the petitioner at this stage.
4. Accordingly, CRM (NDPS) 256 of 2024 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)