

JPD-04
Ct No.01
23.07.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (NDPS) 262 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhaktinagar Police Station Case No. 854 of 2023 dated 25.09.2023 under Sections 21(c)/22(c) of the NDPS Act, 1985.

And

In the matter of: **Papon Biswas**

.... petitioner

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Mr. Shubham Kumar
Ms. Rikta Sarkar
Ms. Priti Das

... for the petitioner

Mr. Aditi Shankar Chakraborty
Mr. Abhijit Sarkar
Mr. Aniruddha Biswas

... for the State

1. Learned counsel for the petitioner contends that the charge sheet was filed on March 19, 2024 whereas the arrest took place on September 25, 2023.
2. It is submitted that there was a delay in sending the sample for chemical analysis which was done only on October 4, 2023.
3. Learned counsel also cites an order of a coordinate bench in support of his contention that the delay vitiates the presumption under Section 37 of the NDPS Act.

4. Learned counsel for the State opposes the prayer for bail and contends that there was sufficient explanation for the delay in sending the matter for chemical analysis.
5. It is further argued that although the petitioner contends that no copies were supplied, the next date is fixed for supply of such copies.
6. Considering that the delay of about 14 days was explained and is not so large as to vitiate the entire process of arrest and seizure, we are not inclined to grant bail to the petitioner at this stage.
7. The State is directed to ensure that copies are duly furnished to the petitioner on or before the next date fixed.
8. Accordingly, CRM (NDPS) 262 of 2024 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)