

AD-17
Ct No.01
Jalpaiguri
24.07.2024
SP

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

CRM (NDPS) 291 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Pradhannagar Police Station Case No. 824 of 2022 dated 15.10.2022 under Sections 20(b)(ii)(c) and 22(c) of the NDPS Act, 1985.

And

In the matter of: PRADIP KUMAR SINGH @ SONU @ PRADEEP
KUMAR SINGH

. . . .for the petitioner

Mr. Somraj Paul, Adv.

... for the petitioner

Mr. Ujjwal Luksom, Adv.
Mr. Sanjiv Das, Adv.

... for the State

1. Learned counsel for the petitioner submits that the petitioner is already in custody for 660 days, which itself mitigates the rigours of Section 37 of the NDPS Act.
2. That apart, it is argued that there was discrepancy in the samples sent and received by the laboratory. Also, it is contended that even after the sample was sent on October 21, 2022 for chemical analysis, a prayer was made for correctness of inventory etc. thereafter, which vitiates the entire process of seizure.

3. Such contentions are controverted by learned counsel for the State who submits that in the present case, the certification was done on October 20, 2022 and the sample was sent to the laboratory on the very next date. In so far as the alleged discrepancies in the samples seized and sent are concerned, the same is also controverted by the State. The State vehemently opposes the prayer for bail.
4. Although the other grounds taken by the petitioner are arguable in the trial which has already commenced, the next date being September 28, 2024, insofar as the long period of custody is concerned, we are of the opinion that the same justifies the grant of bail to the petitioner on conditions as stipulated hereinbelow.
5. Accordingly, CRM (NDPS) 291 of 2024 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Special Court under NDPS Act at Siliguri.
6. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend on each and every date of trial.
7. 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 the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)