

AD-14  
Ct No.01  
Jalpaiguri  
25.07.2024  
SP

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

**CRM (NDPS) 301 of 2024**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Bhaktinagar Police Station Case No. 1080 of 2023 dated 08.12.2023 under Sections 21(C)/22(C)/29 of the NDPS Act, 1985.

And

In the matter of: RUBEL MIA

. . . . for the petitioner

Ms. Jagriti Mishra, Adv.  
Ms. Ananya Bhattacharya, Adv.  
Mr. Naser Ali, Adv.  
Ms. Mrinmayee Das, Adv.  
Mr. Manish Gupta, Adv.  
Ms. Silpi Basu, Adv.

... for the petitioner

Mr. Nilay Chakraborty, Adv.  
Ms. Namrata Das, Adv.

... for the State

1. The petitioner, through counsel, prays for bail inter alia on the ground that the petitioner is already in custody for 227 days.
2. It is submitted that although the inventorisation of the sample was done on December 13, 2023 and the sample was sent on December 16, 2023, the chemical laboratory took 93

days for furnishing the report, which was done only on March 18, 2024.

3. Learned counsel places strong reliance on Rule 14 of the NDPS Rules 2022, as per which its mandatory to send such report within 15 days; if not, a qualitative report is to be sent within 15 days, followed by a quantitative report within the next 15.
4. It is, thus, submitted that in contravention of such mandatory period, the process itself is vitiated and bail ought to be granted.
5. Learned counsel for the State opposes the prayer for bail and submits that due to procedural difficulties in view of dearth of adequate chemical laboratories conducting such tests, the statutory time limit could not be adhered to.
6. It is further submitted that the quantum of contraband substance, that is, brown sugar was much above commercial quantity and as such bail ought not to be granted.
7. We find that the sole ground on which the petitioner seeks to assail the process of arrest and seizure is that the report took 93 long days to be furnished. Although we are aware that Rule 14 of the 2022 Rules mandates an outer limit of 30 days for furnishing such report, such timelines ought to be taken in a pragmatic context, in view of the serious dearth of competent laboratories who are designated and authorized to conduct such tests in this State.

8. Hence, we are unable to grant the benefit of doubt to the petitioner only on such ground.
9. Accordingly, CRM (NDPS) 301 of 2024 is dismissed.

**(Sabyasachi Bhattacharyya, J.)**

**(Prasenjit Biswas, J.)**