

JPD-3
Ct No.01
29.07.2024
S.Pal

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

CRM (NDPS) 316 of 2024

In Re: - An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with CR(NDPS) Case
No.-62/2023, corresponding to Pradhan Nagar P.S. Case No-
659/2023, dated 31.08.2023 under Sections 21(C)/22(C)/27A/29 of
the NDPS Act, 1985.

And

In the matter of: RAM PARVESH RAM AND ANOTHER

...Petitioners

Mr. Aditi Shankar Chakraborty
Mr. Arjun Chowdhury

...for the State

1. Learned counsel for the petitioner contends that there is an
infraction of Section 42 of the NDPS Act.
2. The recovery was allegedly done on August 31, 2023. It is
pointed from the certification of correctness that as per the
Magistrate, the certificated sample was handed over to the
Investigating Officer on October 17, 2023.
3. Learned counsel relies on the date of receipt of sample as
depicted in the certificate of analysis issued by the laboratory
to show that such date was October 13, 2023.
4. It is thus submitted that the sample which was received by
the laboratory could not have been a certified copy.

5. We find, as pointed out by learned counsel for the State who opposes the prayer for bail, that in the third paragraph of the certification of correctness, it is stated that a certificate was produced by the Investigating Officer on September 19, 2023. Hence, prima facie it transpires that it might have been possible that the certification was done on September 19, 2023, that is, prior to the Magistrate handing over the report to the Investigating Officer on October 17, 2023. Thus, we are of the opinion that such a gross infraction has not been made out prima facie in the present case so as to dispel the rigour of Section 37 of the NDPS Act. Hence, at this stage, we are unable to grant bail. Accordingly, CRM(NDPS) 316 of 2024 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)