

AD-45
Ct No.01
Jalpaiguri
24.07.2024
B.Pal

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

CRM (NDPS) 319 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.07.2024 in connection with Siliguri Police Station Case No. 22 of 2024 dated 06.01.2024 under Sections 21(c) of the NDPS Act, 1985.

And

In the matter of: MANOJ ROY @ MANOJ RAY AND ANR

...Petitioners

Mr. Arijit Ghosh,

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Subhasish Misra,
Mr. Chattu Roy

... for the State

1. The petitioners seek bail on the ground of palpable violation of Rule 14 of the NDPS Rules, 2022 inasmuch as although the samples were seized and sent on January 6, 2024 for chemical analysis, till date no FSL report has come forth.
2. Learned counsel for the State opposes the prayer for bail and submits that there was no fault on the part of the investigating authorities, since the seizure and the sending of samples followed each other in quick succession. Even the charge-sheet has been filed, with the leave to file

supplementary charge-sheet as and when the chemical report comes up.

3. Although the State takes a ground that due to heavy pressure on the existing and available chemical laboratories, the reports are being delayed, we find that the same does not constitute sufficient justification for such gross violation of Rule 14 of the NDPS Rules, 2022 which has been held to be mandatory in several cases by the Supreme Court.
4. Despite the Court appreciating some delay which might occur due to the dearth of available laboratories in the State, the delay till date in the present case is more than seven months ,which cannot be pardoned keeping in view the specific provisions of Rule 14 which cast a statutory outer limit of 30 days for such report being issued. We do not also find that the proviso to Rule 14 had been complied with in the present case by the concerned laboratory sending a preliminary qualitative report within 15 days and thereafter sending the quantitative report. In view of such gross violation of the law, the rigours of Section 37 cannot be attached to the petitioners.
5. Accordingly, CRM (NDPS) 319 of 2024 is allowed, thereby granting bail to the petitioners on condition that the petitioners shall furnish bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Court (NDPS Act) at

Siliguri. The sureties may be common in respect of both the petitioners.

6. The petitioners shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend each and every date of trial.
7. Further, the petitioners 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.)