

AD-65
Ct No.01
Jalpaiguri
24.07.2024
B.Pal

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

CRM (NDPS) 341 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 Pradhannagar Police Station Case No. 208 of 2023 dated 24.03.2023 under Sections 21(C)/22(C)/27(A)/29 of the NDPS Act, 1985.

And

In the matter of: AHMED MANSURI AND ANR.

...Petitioners

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Ms. Debi Sarkar,
Ms. Rikta Sarkar,
Ms. Nipa Das,

... for the petitioners

Mr. Ujjwal Luksom,
Mr. Sagnik Sankar Sikdar,
Ms. Namrata Das

... for the State

1. Learned counsel for the petitioners points out that the petitioners were apprehended and the seizure was effected on March 24, 2023 whereas the samples were sent for chemical analysis after about 46 days, that is, on May 8, 2023 which is a gross violation of Section 52A of the NDPS Act, read with the relevant provisions of the NDPS Rules 2022.
2. The State objects to the prayer for bail. However, in view of the palpable violation of Section 52A read with the 2022

Rules, we are of the opinion that the rigours of Section 37 cannot be attached to the petitioners.

3. Accordingly, CRM (NDPS) 341 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.
4. 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.
5. 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.)