

JPD-14
Ct No.01
29.07.2024
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) 345 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Jaigaon** Police Station Case No. **288** of **2023** dated **17.12.2023** under Sections **21(c)/29** of the **NDPS Act**.

And

In the matter of: **Sujal Sah**

.... petitioner

Mr. Biswarup Roy,
Mr. Supriya Debnath

... for the petitioner

Mr. Saikat Chatterjee,
Mr. Subhasish Misra

... for the State

1. Learned counsel for the petitioner contends that the FSL report was sent for chemical examination on December 17, 2023 but the test was done and report issued only on April 09, 2024, which is palpably beyond the outer time-limit stipulated in Rule 14 of the NDPS Rules, 2022.
2. Learned counsel for the State opposes the prayer for bail.
3. However, we are of the opinion that such gross contravention of Rule 14 itself justifies mitigating the applicability of Section 37 of the NDPS Act.
4. Accordingly, CRM (NDPS) 345 of 2024 is allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish a bond of Rs.10,000/-, with two sureties of like amount each, one

of whom must be local, to the satisfaction of the learned Special Court (NDPS Act), Alipurduar.

- 5.** The petitioner 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.
- 6.** 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.)