

JPD-16  
Ct No.01  
29.07.2024  
TN

Calcutta High Court  
In The Circuit Bench at Jalpaiguri  
Appellate Side

CRM (NDPS) 347 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **New Jalpaiguri** Police Station Case No. **279** of **2024** dated **27.03.2024** under Section **20(b)(ii)(c)** of the **NDPS Act, 1985**.

And

In the matter of: **Md Aktar**

.... petitioner

Mr. Kumar Shantanu

... for the petitioner

Mr. Ujjwal Luksom,  
Mr. Kallol Nag

... for the State

1. Learned counsel for the petitioner contends that barely above commercial quantity of ganja, that is, 20 kg 600 grams (20 kg is the commercial quantity) was recovered from the petitioner. Moreover, there is gross contravention of Rule 14 of the NDPS Rules, 2022 inasmuch as the samples were sent for chemical analysis on April 01, 2024 whereas no chemical analysis report has been issued as yet.
2. Learned counsel for the State controverts the prayer and submits that 62 kgs. was the total quantity of contraband recovered jointly from the co-accused persons. That apart, charge sheet has not yet been submitted.

3. Upon a careful consideration of the submissions, we are of the opinion that in view of the gross contravention of Rule 14 of the NDPS Rules, 2022 and also keeping in view that the quantity of contraband recovered from the petitioner was barely above the commercial quantity, we are inclined to grant the benefit of bail to the petitioner.
4. Accordingly, CRM (NDPS) 347 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), First Court, Siliguri.
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.)