

AD-74
Ct No.01
Jalpaiguri
24.07.2024
SP

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

CRM (NDPS) 350 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Bhaktinagar Police Station Case No. 448 of 2023 dated 04.06.2023 under Section 21(c) of the NDPS Act, 1985.

And

In the matter of: GADAI BISWAS@GODAI BISWAS

. . . .for the petitioner

Ms. Rima Sarkar, Adv.
Mr. Sidhi Sethia, Adv.
Ms. Suparna Paul, Adv.

... for the petitioner

Mr. Nilay Chakraborty, Adv.

... for the State

1. Learned counsel for the petitioner argues that even after the last rejection of bail of the petitioner on June 20, 2024, till date no charges have been framed. The petitioner is already in custody for 13 months. That apart, a new ground is made out, which was not placed before the Coordinate Bench refusing the bail on June 20, 2024, to the effect that the samples were sent for chemical analysis on June 30, 2023 whereas the inventorisation was done on August 21, 2023.

Such allegation is corroborated by the materials in the case diary as well.

2. Thus, since the inventorisation itself was done much after the sample being sent for chemical analysis, a palpable doubt is cast on the process of arrest as well as seizure itself, alleviating the petitioner from the strict rigours of Section 37 of the NDPS Act. Moreover, since the petitioner is already in custody for 13 months and charges have not yet been framed as yet, we are uncertain as to how long further the petitioner has to remain in custody till the trial is concluded. In view of the above mitigating circumstances, we are inclined to grant bail.
3. Accordingly, CRM (NDPS) 350 of 2024 is thus allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Special Court under NDPS Act at Jalpaiguri.
4. 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.
5. 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.)