

JPD-81  
Ct No.01  
30.07.2024  
TN

Calcutta High Court  
In The Circuit Bench at Jalpaiguri  
Appellate Side

CRM (NDPS) 373 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Birpara** Police Station Case No.**154** of **2023** dated **21.10.2023** under Sections **21(c)/25/29** of the **NDPS Act**.

And

In the matter of: **Rajesh Chhetri**

.... petitioner

Mr. Subrata Karmakar,  
Ms. Madhumita Sarkar

... for the petitioner

Mr. Nilay Chakraborty, Ld. APP,  
Mr. Dhiman Sil

... for the State

1. There are three mitigating circumstances argued by the petitioner.  
First, the provisions of Rule 14 of the NDPS Rules, 2022 (for short “the 2022 Rules”) have been flouted since it took the chemical laboratory more than three months to furnish the chemical analysis report from the date of receipt of the sample. Secondly, the petitioner is in custody for 293 days. Thirdly, the trial could not be commenced due to the absence of the *de facto* complainant on five consecutive dates.
2. In view of the above conduct of the *de facto* complainant, we are not confident as to the early conclusion of the trial. Moreover, the petitioner is justified in arguing that there was gross

contravention of Rule 14 of the 2022 Rules, thereby mitigating the rigour of Section 37 of the NDPS Act.

- 3.** Accordingly, CRM (NDPS) 373 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.
- 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.)