

JPD-55
Ct No.01
02.08.2024
S.Pal

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

CRM (NDPS) 385 of 2024

In Re: - An application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 in connection with Pradhannagar
Police Station Case No.845 of 2023 dated 13.10.2023 under Section
21(C)/22(C)/27A/29 of the NDPS Act, 1985.

And

In the matter of: Manoj Mirdha @ Raja

...Petitioner

Mr. Arjun Chowdhury
Ms. Pratusha Dutta Chowdhury
Mr. Koushik Kumar Kanu
Ms. Tulip Saha

... for the petitioner

Mr. Aditi Shankar Chakraborty
Mr. Aniruddha Biswas

... for the State

1. Learned counsel for the petitioner submits that the petitioner
is in custody for 300 days. The provisions of Section 42 of the
NDPS Act were violated as the apprehension took place in the
evening. Moreover, the seizure took place on October 13,
2023, the certification of samples done on November 2, 2023,

and the laboratory received the samples on November 23, 2023. However, the report was furnished on December 18, 2023.

2. Learned counsel for the State seriously opposes the prayer for bail and submits that out of ten witnesses, the first witness has been partially examined.
3. We find from the case sought to be made out by the petitioner, that there is no serious infraction of law sufficient to dispel the bar under Section 37 of the NDPS Act. The apprehension of delayed trial may be mitigated by giving specific direction for early conclusion of the trial.
4. Accordingly, CRM(NDPS) 385 of 2024 is dismissed with a request to the trial court to conclude the trial at the earliest, positively within six months from the date of communication of this order to the said court.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)