

JPD-75
Ct No.01
1.8.2024
S. Bag

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

CRM (NDPS) 387 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Madarihat Police Station Case no. 15 of 2024 dated 30.1.2024 under Section 22(b) of the N.D.P.S. Act, 1985.

And

In the matter of: Imran Ali

....petitioner

Mr. Biswarup Roy, Adv.
Ms. Supriya Debnath, Adv.

... for the petitioner

Mr. Nilay Chakraborty, Adv.
Mr. Dhiman Sil, Adv.

... for the State

1. Learned counsel for the petitioner argues that there was contravention of Rule 14 of the NDPS Rule, 2022 according to which the CFSL report is required to be filed within 15 days; if not, a qualitative report is to be furnished within 15 days, followed by a quantitative report within another 15 days. It has been held time and again that such timeline is mandatory. Even giving some benefit of doubt to the State since there is gross dearth of competent laboratories to conduct such tests, in the present case, almost six months

have elapsed after the samples were sent for CFSL report but the report is yet to come.

2. In view of such gross contravention of Rule 14, the rigour of Section 37 of the NDPS Act is not applicable.
3. Hence, despite the opposition to bail by learned counsel for the State, CRM (NDPS) 387 of 2024 is 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 (NDPS Act) cum Sessions Judge, 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.)