

JPD-78  
Ct No.01  
1.8.2024  
S. Bag

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

**CRM (NDPS) 390 of 2024**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Kumargram Police Station Case no. 202 of 2023 dated 27.9.2023 under Section 21(c)/25/29 of the N.D.P.S. Act, 1985.

And

In the matter of: Nishar

....petitioner

Mr. Supritam Nag, Adv.  
Ms. Trishna Roy, Adv.

... for the petitioner

Mr. Nilay Chakraborty, Adv.  
Mr. Ullwal Luksom, Adv.  
Ms. Namrata Das, Adv.

... for the State

1. Heard learned counsel for the parties.
2. Leaned counsel for the state vehemently opposes the prayer for bail. However, we find that the petitioner is in custody for 310 days. There was a delay of about 15 days in sending the sample after seizure for chemical analysis. After the sample was received, there was a delay of more than three months in issuing the report, which grossly contravened Rule 14 of the NDPS Rules, 2022. That apart, even after the lapse of 16

dates, the trial has not yet commenced, making the conclusion of the trial uncertain.

3. In view of the above mitigating circumstances, we are of the opinion that the bar of Section 37 of the NDPS Act is not applicable to the petitioner.
4. In such view of the matter, CRM (NDPS) 390 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 learned Additional Sessions Judge, First Court cum Special Court (NDPS Act), Jalpaiguri.
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.)**