

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

26.11.2024
Item No.17
Court No.1
(GB)
(Rejected)

CRM (NDPS) 506 of 2024

In Re: - An application for bail under section 439 of the Code of Criminal Procedure, 1973/Section 483 of the B.N.S.S. 2023 in connection with **Bhaktinagar** Police Station Case No.**355/2024** dated **27.04.2024** under Sections 21(c)/22(c)/29 of the N.D.P.S. Act, 1985.

And

In the matter of: **Sajiul Skeikh @ Sajiul Sheikh @ Samir**

....Petitioner.

Mr. Rahul Ghatak

...for the Petitioner.

Mr. Abhijit Sarkar,
Ms. Namrata Das

... for the State.

1. The petitioner prays for bail on the ground that the FSL report was received after four months from the date when the sample was sent for examination. The petitioner further submits that he is in custody for more than 240 days.
2. The learned advocate for the State submits that the Hon'ble Apex Court has held that even delay in sending the sample for examination cannot be fatal to the prosecution case. In this case the sample was sent immediately after seizure. Delay in preparation of the report cannot be a ground for grant of bail.
3. Considering the materials and the quantum of contraband articles seized from the possession of the petitioner, we are not inclined to grant bail. Accordingly, the prayer for bail is rejected. The prosecution undertakes that sincere efforts will be made to ensure that the trial is concluded expeditiously. This Court also requests the learned trial Judge to proceed expeditiously and conclude the trial.

4. The application for bail, being CRM (NDPS) 506 of 2024 is, thus, disposed of.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Partha Sarathi Chatterjee, J.)