

28.11.2024
Ct. No. 01
SL No. 16
Cp
(rejected)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (NDPS) No. 546 of 2024

In Re: - An application for bail under Section 483 of the B.N.S.S., 2023.

And

In the matter of: Mithun Mahato @ Mohoto

.....petitioner

Mr. Abhishek Sarkar

... for the petitioner

Mr. Ujjwal Luksom

Mr. Kallol Nag

...for the State

1. Learned advocate representing the petitioner submits that there is gross violation of Rule 14 of the NDPS Rules. He submits that the FSL report was sent to the Investigating Officer concerned almost after 170 days from the date of seizure. Citing such delay in submission of the FSL report, he prays for bail.
2. Learned advocate representing the State vehemently opposes the prayer for bail. He produces the CD and submits that in the given case, inventory was made on April 9, 2024. Sampling was done on April 11, 2024 and the investigating officer concerned received the FSL report on September 22, 2024. Charge-sheet was submitted on September 28, 2024. He asserts that all the procedure was followed as per the legislative mandate.
3. Heard the learned advocates for the respective parties. Perused the CD and other materials.

4. Prima facie, we find that photograph was taken of the sampling.

Both inventory and the FSL report were prior to submission of the charge-sheet. The charge-sheet was submitted with the chemical examination report. Commercial quantity of brown sugar like substance was allegedly recovered from the petitioner. Considering all these aspects, we are not inclined to release the petitioner on bail at this stage.

5. Hence, prayer for bail is rejected.

6. We request to conclude the trial expeditiously.

7. The application for bail is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)