

03.12..2024
Ct. No. 01
SL No. 25
Cp
(allowed)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (NDPS) No. 555 of 2024

In Re: - An application for bail under Section 483 of the B.N.S.S. 2023 in connection with Pradhan Nagar Police Station Case No. 659 of 2023 dated 31.08.2023, under Sections 21(c)/22(c)/27A/29 of the NDPS Act, 1985.

And

In the matter of: Ram Pravesh Ram

.....petitioner.

Mr. Dhiraj Lakhotia
Ms. Radhika Agarwal
Ms. M. Joshi
Ms. Khushi Kundu

... for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Sourav Ganguly

...for the State

1. Learned advocate representing the petitioner prays for bail on the ground that he is in custody for 15 months and there is hardly any chance for early conclusion of the trial.
2. The petitioner also prays for bail on various procedural defects. First, the magistrate certifying the inventory has not been cited as a witness in the charge-sheet. Secondly, the procedure followed by the prosecution was in violation of the provisions of Section 52A of the NDPS Act.
3. Learned advocate for the State opposes the prayer and submits that the certification of correctness bears two dates, one October 17, 2023 and the other September 17, 2023. If the date September 17, 2023 is taken into consideration as the date of certification, the procedure cannot be flawed.

4. We have considered the documents. We, prima facie, find that the certification could not have been made on September 17, 2023. Admittedly September 19, 2023 was fixed for holding the process of certification of correctness of inventory. Thus, the date October 17, 2023 is the plausible date. Secondly, the sample was sent for chemical examination prior to October 17, 2023, i.e., prior to the certification.
5. Under such circumstances, in view of the decisions of the Hon'ble Apex Court and in view of the prolonged detention of the petitioner, we are inclined to grant bail to the petitioner on the touchstone of Article 21 of the Constitution of India. There is a remote possibility of early conclusion of trial.
6. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.25,000/- with two sureties of equal amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court under NDPS Act, Siliguri, subject to the condition that the petitioner shall appear before the learned Trial Court on each and every date of hearing until further order and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future. The petitioner will not leave the jurisdiction of the trial court without permission.
7. In the event the petitioner fails to comply with the conditions as stated hereinabove, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
8. The application for bail is, thus, allowed and disposed of.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)