

14.09.2020

Court No. 16
Item No. 46
abhar/bdatta

CRM 6475 of 2020
With
CRAN 1 of 2020
(Via Video Conference)

(antibail - allowed)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 162 of 2020 dated 12.02.2020 under Sections 21(c)/29 of the N.D.P.S. Act.

and

In the matter of: **Marjina Bibi**

..... Petitioner

Mr. Anisur Rahaman

.....for the Petitioner

Mr. Sanjoy Bardhan

Mr. C. R. Ghosh.

..... for the State

The learned advocate for the petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The application being CRAN 1 of 2020 is accordingly disposed of.

It is submitted by the learned advocate for the petitioner that no recovery was made from the possession of the petitioner and she has been falsely implicated in connection with the aforementioned case.

The learned advocate appearing for the State submits that 100 bottles of phensedyl were recovered from the joint possession of the husband of the petitioner and one Kushal Bhattacharya from the house of the former and since the petitioner managed to escape, she is also implicated in the instant case. The learned advocate further submits that the charge sheet in the present case has already been submitted.

After hearing the respective submissions for the parties and after perusing the materials available from the memorandum of evidence relied upon by the State, the name of the petitioner was implicated

because of her status and admittedly no recovery was made from her. There appears also a confusion on the presence of the petitioner at the time of the arrest of her husband.

In view of the above we feel that the custodial interrogation of the petitioner is not necessary. Accordingly, the prayer for anticipatory bail is allowed.

Therefore, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with further condition that the petitioner shall attend the trial Court on each and every date of hearing unless prevented by sufficient cause and in the event of her failure on any date, without justifiable cause, the trial Court would be at liberty to cancel the bail without any further reference to this Court.

The application being **CRM 6475 of 2020** is **allowed**.

(Tirthankar Ghosh, J.)

(Harish Tandon, J.)