

25.11.2020
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Sws M/G.S.Das
Ct. No.11

CRM 8525 of 2020

(Via Video Conference)

In Re : An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hili police Station Case No. 146 of 2019 dated 14.9.2019 under sections 21(c)/22(c)/23(c) of the Narcotic Drugs and Psychotropic Substances Act read with Section 14A(b)/14(c) of the Foreigners Act.

And

In the matter of : **Gouri Chouhan @ Chohan @ Sundari**
..... Petitioner

Mr. Kaushik Choudhury
.... for the Petitioner

Mr. Binay Kr. Panda
Mr. S. K. Bhakat
...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

Learned Advocate for the petitioner submits that the petitioner has been implicated in this case in charge of harbouring of certain Bangladeshi nationals and there is no iota of materials against the present petitioner so as to detain her further.

Mr. Panda, Learned Advocate for the State is unable to produce any materials which are admissible in nature so far as the

address of the present petitioner is concerned and the evidence so far as the point of harbouring is concerned.

It is further submission of the Learned Advocate for the State that as the present petitioner was absconding for a considerable period of time and has been arrested recently, no evidence would be collected against her. This submission do not satisfy the conscience of this Court. The provisions of NDPS Act are strict in nature.

This Court is of the opinion that in case there are materials to be collected against the petitioner further investigation is required to be carried on. Accordingly, the Superintendent of Police, Dakshin Dinajpur is directed to depute for the investigation of the case an officer in the rank of DSP/SDPO who would collect material or ascertain the truth of the allegations made in the charge-sheet. Needless to state that we are dissatisfied with the materials available in the CD so far as the present petitioner is concerned. Such investigation should be completed preferably within a period of six weeks from the date. On completion of investigation the newly deputed Investigating officer would express his opinion and file a report before the Special Court under Section 173 of the Code of Criminal Procedure.

In view of the observations made above, the bail application of the petitioner is **rejected** at this stage.

With these observations, CRM 8525 of 2020 is disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)

