

09.04.2021
Item No.264
Ct.No.28
Subha
Allowed

C.R.M. 730 of 2021
(Via Video Conference)

In Re: An application for anticipatory bail under Section 438 CrPC in connection with a proceeding being special case no. 109/2016(ref:-S.I.'s S.L. no.133/15-16 dated 17-02-2016) of Excise, Sadar R.P.U, Malda, punishable under Sections 8(b)/29/46/18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of : **Jaisan Bibi @ Jaysun Bibi**
.. Petitioner.

Mr. Mounick Ghosh
... For the Petitioner.

Mr. Rudradipta Nandy
... For the State.

Apprehending arrest in connection with in connection with a proceeding being special case no. 109/2016(ref:-S.I.'s S.L. no.133/15-16 dated 17-02-2016) of Excise, Sadar R.P.U, Malda, punishable under Sections 8(b)/29/46/18(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, the present application has been filed.

Mr. Ghosh, learned advocate appearing for the petitioner submits that the petitioner is innocent of the

charges and she has been falsely implicated in the instant case.

Learned advocate for the petitioner has relied upon a decision of this Bench in respect of one of the co-accused in CRM 4079 of 2020 passed on 18th June, 2020 and also series of orders passed in respect of the persons similarly placed where the order passed in CRM 4079 of 2020 was passed.

Learned advocate for the petitioner further submits that the petitioner is placed in the same footing as that of other co-accused persons who have granted anticipatory bail.

Mr. Nandy, learned advocate for the State that the petitioner has been absconding for a considerable period of time.

We have perused the materials available in the case diary. Having considered the nature of the charges and the fact that the charge-sheet has already been submitted, we are of the view that there may not be any immediate need to take the petitioner into custody.

As such, prayer for anticipatory bail of the petitioner is allowed.

In the event of arrest, the petitioner, namely, **Jaisan Bibi @ Jaysun Bibi** should be released on furnishing security of Rs.10,000/-(Rupees Ten Thousand) with two ssuries of like amount each, one of whom must be

local, to the satisfaction of the arresting officer. The petitioner shall also comply with the conditions laid down in Section 438(2) of the Code.

The application for anticipatory bail, being CRM 730 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)