

**CRM 2817 of 2021**

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burdwan Police Station Case No.347 of 2020 dated 28-11-2020 under Sections 20c/29 of the NDPS Act.

- A n d -

**In the matter of : Jyotsna Bibi alias Maleka Bibi**

.... Petitioner.

Mr. Diptendu Banerjee,  
Mrs. Sinthia Bala

... For the Petitioner.

Mr. Sudip Ghosh,  
Mr. Apurba Kumar Datta

... For the State.

Admittedly, there was no recovery of contraband items from the petitioner. Her name transpired from the statements of co-accused persons from whom recovery of commercial quantity of Ganja was made.

In view of there being no recovery from the petitioner, the restrictions in Section 37 of the NDPS Act would not be attracted.

We have seen the material in the Case Diary. *Prima facie*, there does not seem to be implication of the petitioner. She is in custody for almost ten months. Charge Sheet has been submitted.

In view of the aforesaid and on an overall consideration of the facts and circumstances of the case, we are of the opinion that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, **Jyotsna Bibi alias Maleka Bibi**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of

whom must be local, to the satisfaction of learned Judge, Special Court under NDPS Act, Berhampore, Murshidabad. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

The application for bail being CRM 2817 of 2021 is, thus, **allowed**.

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

( **Bivas Pattanayak, J. )**

( **Arijit Banerjee, J. )**