

02.06.2021
Item no.33
Court No.28
Avijit Mitra

C.R.M. 3345 of 2021 (through video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure;

And

In Re : Gouri Chouhan @ Sundari

.... petitioner

Mr. Kaushik Chaudhury,
Ms. Busra Khatun

....for the petitioner

Mr. Binay Panda,
Ms. Puspita Saha

..... for the State

The present application has been preferred in connection with Hili Police Station Case No.146 of 2019 dated 14.09.2019 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.

Mr. Chaudhury, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated on the basis of a purported allegation that she had been harbouring criminals who were dealing with contraband substances. Upon completion of investigation, chargesheet has already been submitted and the petitioner is in custody for more than 251 days. Drawing the attention of this Court to the last rejection order of the petitioner's prayer for bail dated 25th November, 2020 Mr. Chaudhury submits that as there was no sufficient material towards establishment of the allegation that she was harbouring criminals, this Court directed the Superintendent of Police, Dakshin Dinajpur to depute an officer

for investigation and collection of sufficient material in support of the allegation in the chargesheet. Thereafter more than five months have expired and the petitioner is languishing in custody till date.

Mr. Panda, learned advocate appearing for the State opposes the petitioner's prayer and submits that pursuant to the earlier direction of this Court investigation was conducted and a supplementary chargesheet was filed on 15th March, 2021.

According to Mr. Panda there are materials-on-record which reveal direct involvement of the petitioner in the alleged offence and in view thereof, the petitioner is not entitled to the relief, as prayed for.

We have heard learned advocates appearing for the respective parties and considered the materials in the case diary including the supplementary chargesheet.

Prima facie, it appears that the petitioner is not the registered owner of the property where, it had been alleged that, she was harbouring criminals.

In view thereof and considering the nature of allegations and the extent of complicity of the petitioner, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the present case.

Accordingly, the petitioner, namely, **Gouri Chouhan @ Sundari** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of the like amount, one of whom must be local, to the satisfaction

of the Learned Special Judge under N.D.P.S. Act, Dakshin Dinajpur at Balurghat.

The petitioner shall remain outside the jurisdiction of Hili Police Station except for the purpose of attending the learned trial court and shall intimate the address where she would be residing to the Officer-in-charge, Hili Police Station, immediately.

The petitioner shall attend the learned trial court on all the dates as specified for hearing.

While on bail, the petitioner shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned trial court shall be at liberty to cancel the petitioner's bail, without any further reference to this Court.

The application for bail being C.R.M. No.3345 of 2021 is, accordingly, disposed of.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)