

29.09.2021
Serial no. 114
Dd

(Through Video Conference)

CRM 5291 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure filed on **4th August, 2021** in connection with **Hili** Police Station Case No. **126 of 2021** dated **27.06.2021** under **Sections 21(c) /22(c)/ 23(c)/27A** of the Narcotics Drugs and Psychotropic Substances Act (Corresponding special case no. 48 of 2021)

-And-

In the matter of : Jayanti Roy

... ..Petitioner

Mr. Kaushik Chowdhury, Advocate
... .. For the Petitioner

Mr. S. Ghosh,
Mr. Bitoshok Banerjee, Advocate
... ...For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner was implicated on the basis of a statement of the co-accused. Nothing was recovered from the possession of the petitioner.

Learned advocate appearing for the State submits that the investigations are in progress. He submits that the petitioner was taken into custody on the basis of statement of the co-accused.

Considering that no contraband was seized from the possession of the petitioner, we are of the view that the petitioner is able to rebut the presumption under Section 37 of the NDPS Act. Considering the materials in the case diary, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000- (Rupees

Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under NDPS Act, Dakshin Dinajpur subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and with a further condition that the petitioner will cooperate with the investigation of the case.

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

The prayer for bail is **allowed**.

CRM 5291 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)