

Court No.
28
Item 36
ssi

16.12.
2021

C.R.M. 5542 of 2021

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Burwan Police Station case no. 192 of 2021 dated 12.07.2021 under Sections 20 (b) (ii) (c)/29 of the NDPS Act.

In Re: Selina Bibi @ Selima Bibi..

....petitioner

Mr. Jisan Iqubal Hossain

....for the petitioner

Mr. Sanjay Bardhan

Mr. Palash Chandra Majhi

...for the State

It is submitted on behalf of the petitioner that no narcotic substance was recovered from her possession. She has been falsely implicated in the instant case.

Learned lawyer appearing for the State opposes the prayer for bail and submits that the petitioner is dealing in narcotic substances.

Having considered the materials on record and bearing in mind the extent of complicity of the petitioner in the alleged crime and as no narcotic substance was recovered from her possession and since complicity of the petitioner has transpired from the statement of co-accused before police officer which is inadmissible in evidence, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and she may be granted anticipatory

bail.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, 1973 and shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)