

23.12.2021
SL No.13
Court No.1
(gc)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1187 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Jaigaon Police Station Case No.57 of 2020 dated 18.02.2020 under Section 22(c) of the NDPS Act.

And

In the matter of : **Moumita Saha @ Moumita Gope**
- Petitioner.

Mr. Arnab Saha,

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,

Mr. Sourav Ganguly,

... For the State.

The learned Counsel for the petitioner submits that the petitioner has been falsely implicated and she is not the owner of the vehicle seized by the police authorities presumably with contraband articles.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and refers to the documents at page 42 to show that the petitioner is the owner of the vehicle.

Mr. Arnab Saha, learned Counsel for the petitioner in response to the aforesaid submission contended before us that the petitioner has approached the RTO and Insurance Company concerned to disclose all the documents relating to the ownership of the vehicle seized by the police authorities.

Having considered the materials available in the case diary and the nature and extent of involvement of the petitioner in the commission of alleged offence and having regard to her health condition and also having regard to the fact that the charge-sheet has already been filed, we are of the opinion that custodial interrogation of the petitioner is not necessary. Hence, we are inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Moumita Saha @ Moumita Gope**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This order shall remain valid for four weeks from this date within which time, the petitioner shall surrender and obtain regular bail from the learned Judge, Special Court, NDPS, Jalpaiguri. In the event, the petitioner surrenders and prays for bail, learned Judge, Special Court, NDPS, Jalpaiguri shall consider such application independent of the observations made by us in this order and on the basis of the materials that the prosecution may be able to produce at the time of consideration of her application for regular bail.

The application for anticipatory bail, being CRM No.1187 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.

(Biswajit Basu, J.)

(Soumen Sen, J.)