

06.01.2022
Sl. No.64
akd
[ALLOWED]

C. R. M. (NDPS) 17 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.01.2022 in connection with New Alipore Police Station Case No. 65 of 2021 dated 19.02.2021 under Sections 21(b)/29/27A of the NDPS Act. (NDPS Case No.17 of 2021)

And

In Re: ***Amrita Singh @ Agarwal @ Sweety***

... .. Petitioner

Mr. Sandipan Ganguly .. Sr. Advocate
Mr. Francis Samson Correa
Mr. Mayukh Mukherjee
Mr. Kaustav Lal Mukherjee
Ms. Kiran Kumari Mahato
Mr. Sarthak Mondal
Mr. Shakti Halder

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Ld. Public Prosecutor
Mr. Sanjay Bardhan
Mr. Rudradipta Nandy
Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that she is in custody for about 303 days. It is further submitted that co-accused persons namely, Rakesh Singh @ Rakesh Kumar Singh as well as Jeetendra Kumar Singh have been enlarged on bail by this court. It is also submitted that no narcotic substances was recovered from the possession of the petitioner and she has been falsely implicated in the instant case.

Learned Public Prosecutor opposes the prayer for bail and submits that the bail order of Rakesh Singh @ Rakesh Kumar Singh has been assailed before the Apex Court. He further draws our attention to the statements of Md. Nasir Khanat, Raihan Islam and Nishat Alam @ Tushi @ Ruman Khan and other materials to show that the petitioner

had supplied cocaine to co-accused namely, Rakesh Singh @ Rakesh Kumar Singh.

In reply, it is contended that the statements of the witnesses do not show that packets supplied contained narcotic substance.

We have considered the materials on record. Admittedly, no narcotic substance was recovered from the possession of the petitioner. Statements of the aforesaid witnesses relied on by the prosecution show that there were transactions between the petitioner and co-accused namely, Rakesh Singh @ Rakesh Kumar Singh. However, the so-called brown packets handed over in course of transaction have neither been seized nor subjected to any chemical examination. In view of the aforesaid facts, we are of the opinion whether the transactions related to narcotic substance, as alleged, requires to be assessed in course of trial. However, we note that co-accused namely, Rakesh Singh @ Rakesh Kumar Singh has been enlarged on bail. In view of the aforesaid facts and bearing in mind the extent of complicity of the petitioner in the alleged crime, 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 bail.

Therefore, the accused/petitioner, namely **Amrita Singh @ Agarwal @ Sweety**, be released on bail upon furnishing 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 Judge, Special Court under the NDPS Act, 1985, Alipore, South 24-Parganas subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Bibhas Ranjan De, J.)

(Joymalya Bagchi, J.)