

21.02.2022

Court No.32
rpan /20

CRM (NDPS) 92 of 2022

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

And

In Re. : **Pratima Roy**

- Petitioner

Mr. Md. Sabir Ahmed,
Mr. Abdul Aziz Mondal
... for the Petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Kotwali Police Station Case No. 124 of 2021 10.02.2021 under Section 20(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 [Chargesheet, bearing no.758 of 2021 dated 03.08.2021, filed under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985].

Mr. Ahmed, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody for a period of more than 376 days and she has two minor children. She has been falsely implicated. After her prayer for bail was last rejected, the chemical examiner's report was submitted and a perusal of the same would reveal that all the substances recovered are not covered under the NDPS Act. He further submits that though she was sent up for trial, her name also featured in the chargesheet as a witness. In view of such discrepancies, she may be enlarged on bail on any stringent condition.

Mr. Sur, learned additional public prosecutor appearing for the State, however, opposes the petitioner's prayer and draws our attention to several documents in the case diary including the seizure list.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that there had been seizure of contraband substance above commercial quantity from the possession of the petitioner. The discrepancies, as pointed out by Mr. Ahmed, are, *prima facie*, not sufficient to come to the conclusion that the entire prosecution case is false, at this stage. We also do not find any substantial change in the facts and circumstances of the case subsequent to rejection of the petitioner's earlier prayer for bail on 24th September, 2021. In view thereof, we are not inclined to exercise our discretion in her favour, as the statutory restrictions are attracted and her prayer for bail is refused at this stage.

We have been informed that date has been fixed for consideration of charges tomorrow. In the event, charges are framed, the learned court below shall take expeditious steps so that logical conclusion of this case may be reached at the earliest.

The application for bail, being CRM (NDPS) 92 of 2022 is, thus, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)