

14.02.2022

Serial no. 13

Dd

CRM (A) 672 of 2022

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Ramnagar** Police Station Case No. **13** of **2022** dated **23.01.2022** under Sections **20(b)(ii)(c)/29** of the Narcotic Drugs and Psychotropic Substances Act.

-And-

In the matter of : **Rasida Bibi Shekh**

... **Petitioner**

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder, Advocates
... ... For the Petitioner

Mr. Binoy Panda,
Mr. Subham Bhakat, Advocates
... ...For the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated. No ingredient was recovered from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statements of the co-accused made while in custody.

Learned advocate appearing for the State submits that the petitioner is the mother of the co-accused who was apprehended with commercial quantity of narcotic. The co-accused named the petitioner.

Considering the fact that no narcotic was recovered from the possession of the petitioner and considering that the petitioner is sought to be proceed against on the basis of the statements of the co-accused made while in custody, we are

of the view that the petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest 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, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the Court below and pray for regular bail within a period of four weeks from date and on further condition that petitioner shall cooperate with the investigation.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 672 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)