

CRM(NDPS) No.186 of 2022

Via video conference

28.02.22

(S.R.)

Sl.33

Ct.32

Allowed

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Hili** Police Station Case No.17 of 2022 dated 15/01/2022 under Sections 21(C)/22(C)/23(C)/27(A) of the NDPS Act read with Section – 46(b) of Bengal Excise Act (Special Case No.-06 of 2022);

And

In re: Iti Roy @ Iti Barman (Roy)

... petitioner.

Ms. Minoti Gomes

Mr. A. Sarkar

... for the petitioner.

Mr. Saryati Datta

...for the State.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner has no involvement in the alleged offence. She has been roped in since contraband substance of intermediate quantity was recovered from her matrimonial house. She has already suffered incarceration for about 44 days. In the said conspectus, further detention may not be necessary, more so when the petitioner is a female family member and there is no possibility that she would flee from justice.

Mr. Datta, learned advocate appearing for the State opposes the petitioner's prayer and submits that investigation is not yet complete and there are incriminating materials on record against the petitioner.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, it appears that an intermediate quantity of contraband substance was recovered from the matrimonial house of the petitioner and as such, at this stage it also cannot be said that she had conscious possession of such contraband substance. In view thereof, the petitioner has been able to rebut the presumption under Section 37 of the NDPS Act and her further detention is not necessary.

Accordingly, the petitioner 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 Learned Judge, Special Court (under NDPS Act)-Cum-Additional District and Sessions Judge, 3rd Court, Dakshin Dinajpur, Balurghat with a further condition that the petitioner shall not leave the jurisdiction of Hili Police Station until further orders and shall cooperate with the investigation.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall attend the learned trial court on all the dates, as specified for hearing

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail being CRM(NDPS) No.186 of 2022 is, accordingly, 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.)