

**07.03.2022**  
**Serial no. 07**  
Dd

**CRM (A) 1049 of 2022**

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **NDPS seizure case No. S/C NO: 02/NDPS/CL/CUS/BCPU/2020-21** dated **12.02.2021** under Sections **20(C)/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985 corresponding to NDPS Special Case No. **29** of **2021** dated **13.02.2021**.

**-And-**

In the matter of : **Selina Bibi** **... Petitioner**

Mr. Jisan Iqbal Hossain, Advocate  
... .. For the Petitioner

Ms. Rajarshree Venkeet Kundalia, Advocate  
... ..For the Customs

Mr. Uttam Basak, Advocate  
.. ...For the NCB

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that no narcotic was recovered from the possession of the petitioner. The police field charge sheet. The petitioner stands in the same footing as that of the other co-accused who was granted anticipatory bail on February 24, 2022 in CRM 8447 of 2021.

Learned advocate appearing for the Customs submits that the petitioner failed to respond to the summons issued under Section 67 of the NDPS Act, 1985. She has unable to demonstrate any nexus between the petitioner and the co-accused arrested with commercial quantity of narcotic from the case records at this stage.

Considering the fact that no narcotic was recovered from the possession of the petitioner and that the petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody and considering the fact that the similarly situated person was granted anticipatory bail by the co-ordinate Bench on February 24, 2022 in CRM 8447 of 2021, 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 the petitioner shall appear before the jurisdictional Court on every date fixed for hearing.

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

CRM (A) 1049 of 2022 is **disposed of.**

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**