

04.04.2022

Serial no. 31

[Dd]

(Bail **allowed**)

CRM (NDPS) 336 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Jalangi** Police Station Case No. **511** of **2017** dated **24.06.2017** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act arising out of NDPS case No. **248/2017**.

-And-

In the matter of : Helema Bewa

... .. Petitioner

*Ms. Minoti Gomes,
Mr. J. I. Hossain, Advocates
... .. For the Petitioner*

*Mr. S. S. Imam
Mr. S. Kundu, Advocate
... ..For the State*

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 49 days. No narcotic was recovered from the possession of the petitioner. The police are proceeded against the petitioner on the basis of the statement of the co-accused made while in custody.

Learned advocate appearing for the State refers to the materials in the case diary.

Considering the fact that no narcotic was recovered from the possession of the petitioner and considering the fact that police are proceeded against the petitioner on the basis of the statement of the co-accused made while in custody and considering the fact that police are unable, at this stage, to establish any nexus between the petitioner and the co-accused who was arrested with commercial

quantity of narcotic, we are of the view that the petitioner is able to overcome the restriction under Section 37 of the NDPS Act, 1985.

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

Accordingly, we direct that 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, one of whom must be local, to the satisfaction of the **Learned Judge, Special Court under NDPS Act, Berhampore, Murshidabad** subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail of the petitioner is **allowed**.

CRM (NDPS) 336 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)