

**12.05.2022**

**Serial no. 37**

[Dd]

(Bail **allowed**)

**CRM (NDPS) 443 of 2022**

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Lalgola** Police Station Case No. **700** of **2021** dated **18.09.2021** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act, arising out of NDPS Case No. **200/2021**.

-And-

**In the matter of : Lili Bibi**

... .. Petitioner

*Ms. Minoti Gomes,*

*Mr. J. I. Hossain, Advocates*

... .. For the Petitioner

*Mr. Madhusudan Sur, Id. APP*

*Mr. Dipankar Pramanik, Advocate*

... ..For the State

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that subsequent to the earlier order of rejection, the police filed charge sheet. The petitioner is not named in the seizure list.

Learned advocate appearing for the State draws the attention of the Court to the earlier order of rejection.

In the earlier order of rejection the issue absence of the name of the petitioner in the seizure list was not considered. Moreover, the police filed charge sheet subsequent to the earlier order of rejection dated January 28 2022.

Considering the period of detention of the petitioner and considering the fact that the name of the petitioner does not appear in the seizure list in respect of the seizures of the narcotics, 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) 443 of 2022 is **disposed of**.

**(Debangsu Basak, J.)**

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