

26.05.2022
Court No.05
Item No. 18
D.C/AM

C.R.M. (NDPS) No.535 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with NDPS Case No.10 of 2022 arising out of Hirapur Police Station Case No.130 of 2021 dated 11.06.2021 under Sections 22(b)(II)(B)/29 of the N.D.P.S. Act;

And

In Re : Mira Shaw

Petitioner

Mr. Sourav Chatterjee,
Mr. Saibal Krishna Dasgupta

For the Petitioner

Mr. Benoy Panda,
Mr. Palash Chandra Majhi

For the State

Leave is granted to the petitioner to amend the cause title in order to rectify the number of the N.D.P.S. case.

Learned counsel for the petitioner contends that, apart from the charge sheet having been filed on erroneous provisions not existing in law, the petitioner was arrested only after filing of the charge sheet. That apart, as apparent from the materials on record, it is submitted that the police authorities raided the petitioner's residence on several occasions, but could only recover a meagre amount of 125 grams of contraband articles from the petitioner's possession, that too, after having arrested the petitioner, which gives rise to suspicious circumstances surrounding the arrest.

Learned counsel for the State contends that the petitioner has been in custody for a miniscule period of about 15 days.

Moreover, it is submitted that the petitioner is the part of a racket, which committed the offence.

Be that as it may, since the petitioner was apparently arrested merely on the statement of the co-accused persons, and, at no point of time, any quantity of contraband article above the commercial quantity was recovered from the petitioner, we do not find any reason to apply the rigours of Section 37 of the N.D.P.S. Act to the present petitioner.

In view of the above findings, there is sufficient *prima facie* material to justify the grant of bail to the petitioner.

Accordingly, CRM (NDPS) 535 of 2022 is allowed, thereby releasing the petitioner on bail on condition that the petitioner furnishes 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 Sessions Judge, 3rd Court, Asansol, Paschim Bardhaman.

Moreover, the petitioner shall not make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing the facts to any police officer or the Court and/or tamper with any evidence.

That apart, the petitioner shall attend the trial, when the same commences, on each date.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)

