

09.06.2022.
15.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 561 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nabagram P. S. Case No.100 of 2020 dated 09.03.2020 under Sections 20(B)(ii)C/29 of the N.D.P.S. Act.

In the matter of : Jyotsna Bibi @ Maleka Bibi.

.... Petitioner.

Mr. Soumik Ganguli,
Mr. Dipantu Banerjee.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for one year. It is submitted no narcotic substance was recovered from her possession.

Learned Advocate for the State opposes the prayer for bail. He submits narcotic substance above commercial quantity was recovered from a truck. Petitioner was in a vehicle which was accompanying the truck and fled from the spot.

There is no recovery of narcotic substance from the petitioner. Apart from statements of co-accuseds, no material is transpiring to show that there was nexus between the petitioner and those who were carrying narcotic substance in the truck.

Keeping in mind the aforesaid facts, we are of the opinion that petitioner has been able to rebut the statutory restrictions under Section 37 of the N. D. P. S. Act and in view of the period

of detention i.e. one year, we are inclined in granting bail to him.

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 Special Judge under N.D.P.S. Act, Berhampore, Murshidabad subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses 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 her bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)