

10.06.2022
Sl. No.8
akd
[ALLOWED]

C. R. M. (NDPS) 567 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.05.2022 in connection with Kharagpur (Local) Police Station Case No. 119 of 2022 dated 16.02.2022 under Sections 20(b)(ii)(c)/25/29 of the NDPS Act.

And

In Re: **Sanju Chowdhury**

... .. Petitioner

Mr. Shashanka Shekhar Chowdhury

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that no narcotic substance was recovered from her possession. It is further submitted co-accused has been enlarged on bail.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner and her complicity has transpired from the statement of co-accused before a police officer which is inadmissible in evidence. Co-accused has been enlarged on bail. Under such circumstances, we are of the opinion that the petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sanju Chowdhury**, be released on bail upon furnishing 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 the NDPS Act, 1985, Paschim Medinipur subject to condition that the said 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 or commit similar offences in future.

In the event she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)