

29.06.2022
Serial no.19
Aloke

CRM (A) 2648 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Dalkhola Police Station Case No. 183 of 2021 dated 26.08.2021 under Sections 21(c)/29 of the NDPS Act.

-And-

In the matter of : **Ruksona Parvin @ Ruksana Parvin @ Lucy**
... .. Petitioner

Mr. Bikash Ranjan Bhattacharyya, Sr. Advocate

Mr. Arnab Saha, Advocate

... .. For the Petitioner

Mr. Ranadeb Sengupta, Advocate

... ...For the State

Petitioner seeks anticipatory bail.

Learned Senior Advocate appearing for the petitioner submits that the petitioner is a lady and is at an advanced stage of pregnancy. He submits that the petitioner responded to the notice under Section 67 of the NDPS Act, 1985. No narcotic was recovered from the possession of the petitioner. The petitioner is sought to be proceeded against on the basis of the statement of the co-accused made while in custody. Since the police filed charge-sheet custodial interrogation of the petitioner is not required.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case dairy and to the charge-sheet. He submits that the petitioner is complicit in the offence. He refers to the statement of the independent witnesses recorded under Section 161 of the Code of Criminal Procedure. He submits that the petitioner and her husband are the recipients of the narcotics. The modus operandi was that funds transfer would take place in the bank accounts of different villagers whereupon the funds would be collected by the petitioner and her husband.

Apparently, the materials in the case diary implicates the petitioner in the offences alleged. The police are proceeding against the petitioner on the basis of statements of independent witness. The husband of the petitioner is still absconding.

There are statement of independent witnesses recorded under Section 161 of the Code of Criminal Procedure implicating the petitioner. Consequently, we are of the view that the petitioner is unable to overcome the restrictions under Section 37 of the NDPS Act, 1985.

Consequently, we are unable to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner is rejected
CRM (A) 2648 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)