

27.06.2022.
11.
Ct.No.28
as
(Rejected)

C.R.M. (NDPS) 712 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 17 of 2021 arising out of Chapra P.S. Case No.57 of 2021 dated 06.02.2021 under Sections 21(c)/29 of the N. D. P. S. Act and charge sheet submitted under Sections 21(c)/29 of the N.D.P.S. Act.

In the matter of : Sabikul Kunahar @ Sabiku Nahar Mondal.
... Petitioner.

Mr. Sabir Ahmed,
Mr. Apan Saha.

...for the Petitioner.

Mr. Antarikhya Basu.

...for the State.

Heard the learned Advocates appearing for the parties.

Petitioner is in custody for more than one year and four months. It is contended petitioner is the wife of the principal accused. She was not in conscious possession of the narcotic substance.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses and contemporaneous document show recovery of narcotic substance from the residence in the presence of the petitioner. The aforesaid facts attract presumption with regard to culpable mental state so far as the petitioner is concerned. Husband of the petitioner is absconding.

Under such circumstances and in view of statutory restrictions under Section 37 of the N. D. P. S. Act, we are not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner is rejected.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)