

12.07.2022
Sl. No.12
akd
[Rejected]

C. R. M. (NDPS) 765 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.07.2022 in connection with Kaliachak Police Station Case No.40 of 2021 dated 09.01.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.09 of 2021)

And

In Re: ***Najira Bibi***

... .. Petitioner

Ms. Minoti Gomes

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor

Mr. Arijit Ganguli

Mr. Anami Bhattacharyya

... .. for the State

It is submitted on behalf of the petitioner she is in custody for about 90 days. It is further submitted petitioner is the wife of the principal accused and did not play any role in storing narcotic substance in the house.

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

We have considered the materials on record. Statements of witnesses show petitioner was present in the house when recovery of narcotic substance i.e. 315 gms. of *Heroin* was made. Whether she had conscious possession of the narcotic requires to be assessed in the backdrop of the statutory restrictions under Sections 35/54 of the NDPS Act. Under such circumstances, we are of the opinion this is not a fit case to grant bail to the petitioner.

The application for bail is thus **rejected**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

