

11.01.2022
Ct. No. 32
Sl. No.29
akd

C. R. M. 8113 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure :

And

In Re: ***Elfejul Ali @ Elfej @ Elafejul Ali & Ors.***
... .. Petitioners

Mr. Sagar Saha
... .. for the petitioners

Mr. T. D. Nandy
Mr. Antarikhya Basu
... .. for the State

Apprehending arrest in connection with Chanchal Police Station Case No.498 of 2021 dated 26.06.2021 under Section 21(B) of the Narcotic Drugs and Psychotropic Substances Act, the petitioners have filed the present application for anticipatory bail.

On the prayer of Mr. Saha, learned advocate appearing for the petitioners, the present application so far as the present petitioner nos.1 & 2, namely, ***(1) Elfejul Ali @ Elfej @ Elafejul Ali & (2) Kurban Ali,*** are concerned, is dismissed as infructuous since they have already been arrested.

As regards the present petitioner no.3, Mr. Saha submits that she is a lady and there was no recovery of contraband substance from her possession. However, an intermediate quantity of contraband substance was recovered from the house which belongs to her husband, who was arrested and was granted bail by the learned court below. Upon completion of investigation, charge sheet has also been submitted and as such custodial interrogation is not necessary.

Mr. Basu, learned advocate appearing for the State, opposes the prayer for anticipatory bail of the petitioner no.3 and submits that there are incriminating materials on record against the petitioner no.3.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that an intermediate quantity of contraband substance was recovered from the house of the husband of the petitioner no.3 and in view thereof, the petitioner no.3 had been implicated. She is a lady and prima facie there is also no possibility that she would flee from justice or delay the trial by abscondence. Upon completion of investigation, charge sheet has also been filed. In the said conspectus, we are of the opinion that rigours of section 37 of the NDPS Act are not attracted and as such, the prayer for anticipatory bail of petitioner no.3 is allowed.

Accordingly, we allow this application and direct that in the event of arrest, the petitioner no.3, namely, **Jamila Bibi**, 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 a local, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner no.3 shall attend the learned court below on all the dates as specified for hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner no.3 fails to comply with the aforesaid directions without any justifiable cause, the learned court

below would be at liberty to cancel her bail, in accordance with law, without any further reference to this court.

The application for anticipatory bail, being CRM 8113 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)