

CRM 8408 of 2021
(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Phuljan Bibi @ Fuljan Bibi & Anr.

.....Petitioners

Mr. Atis Kumar Biswas
Mr. Amit Singh
Mr. Jyoti Agarwal

.....for the Petitioners

Mr. Ranadeb Sengupta

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Hanskhali P.S. Case No. 680 of 2021 dated 27.09.2021 under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act.

Mr. Biswas, learned advocate appearing for the petitioners submits that the petitioners have been roped in on the basis of mere suspicion on an allegation that contraband substance had been recovered from the house of Ekramul Mondal wherein the petitioner no 1 being the wife of Ekramul Mondal and the petitioner no. 2 being the wife of one Mumin Mondal were present. Upon completion of investigation, charge sheet has also been submitted and as such, further detention of the petitioners, who are in custody for about 112 days, is not necessary.

Mr. Sengupta, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary including the seizure list

prepared by the BSF Personnel and the seizure list prepared by the Assistant Sub-Inspector attached to Hanskhali Police Station.

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

Prima facie, mere presence of the petitioners in the concerned house wherefrom an intermediate quantity of contraband substance was recovered, would not justify further detention moreso when upon completion of investigation, charge sheet has been submitted. The petitioners are ladies and as such, there is also no possibility that they would flee from justice or delay the trial by abscondence.

Accordingly, we allow this application and direct that the petitioners, namely, **Phuljan Bibi @ Fuljan Bibi** and **Shyna Mondal @ China**, shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Special Judge under the NDPS Act, Krishnagar, Nadia. The petitioners shall attend the learned Court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel their bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No. 8408 of 2021, is disposed of.

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

(Ajoy Kumar Mukherjee, J.)

(Tapabrata Chakraborty, J.)