

CRM No.8447 of 2021

Via video conference

24.02.22

(S.R.)

Sl.226

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **NDPS** seizure Case No.S/C No:02/NDPS/CL/CUS/BCPU/2020-21 dated 12.02.2021 under Sections 20(C)/29 of the NDPS Act (NDPS Special Case No.29 of 2021);

And

In re: Smt. Baby Begum @ Baby Bewa

... petitioner.

Ms. Minoti Gomes

... for the petitioner.

Mr. Uttam Basak

... for the NCB.

Ms. Rajashree Venket Kundalia

... for the Customs.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner has complied with the earlier direction of this Court and has met with the investigating officer, as directed. Such fact has not been disputed by Ms. Kundalia, learned advocate appearing for the Customs. Let the report, as produced by her, be kept on record.

It appears that no contraband substance above commercial quantity was recovered from the possession of the petitioner and that his name has transpired on the basis of co-accused statements. She has also complied with the earlier direction of this Court. In view thereof, we are of the opinion that custodial interrogation is not necessary, more so when the statutory restrictions are not attracted.

Accordingly, we direct that in the event of arrest the petitioner will be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner shall cooperate with

the investigation and shall attend the learned court below on all the dates as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

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

The application for anticipatory bail being CRM No.8447 of 2021 is, accordingly, 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.)