

01.09.2022
Sl. No.2
akd
[Rejected]

C. R. M. (NDPS) 993 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.08.2022 in connection with Lalgola Police Station Case No. 703 of 2021 dated 21.09.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.204 of 2021)

And

In Re: ***Rohida Bibi***

... .. Petitioner

Mr. A. A. Alamgir
Ms. Riya Das

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that she is in custody for about 11 months and has been falsely implicated in the instant case. It is further submitted petitioner was pregnant at the time of her apprehension and has given birth to a child in jail.

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

We have considered the materials on record. Statements of witnesses including contemporaneous document i.e. seizure memo disclose recovery of narcotic substance above commercial quantity from the joint possession of the petitioner and co-accused. In view of the aforesaid fact and statutory restrictions under Section 37 of the NDPS Act, we are not inclined to grant bail to the petitioner.

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

With regard to the submission that the petitioner has given birth to a child in jail, we direct the Superintendent, Berhampore Correctional Home to take necessary steps so that the child may be

handed over to her relations failing which the Child Welfare Committee concerned be contacted to provide adequate assistance, care and treatment to the child while her mother is in jail.

Let a copy of this order be communicated to the Superintendent, Berhampore Correctional Home as well as the Murshidabad Child Welfare Committee for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)