

23.09.2022
Sl. No.6
akd
[Rejected]

C. R. M. (NDPS) 1075 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.09.2022 in connection with Entally Police Station Case No. 366 dated 27.11.2019 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.107 of 2019)

And

In Re: **Reena Das**

... .. Petitioner

Mr. Rajeev Lochan

... .. for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

... .. for the State

It is submitted on behalf of the petitioner that she is in custody for about 32 months. It is contended son of the petitioner was illegally arrested by the police. He had objected to illegal sale of narcotic substance in the area by local councillor. Petitioner agitated such issue before media and press. As a result, she was arrested. Guidelines laid down in ***D. K. Basu vs. State of West Bengal***¹ were not complied with.

Learned advocate appearing for the State opposes the prayer for bail and submits trial is in progress.

We have considered the materials on record. Statements of witnesses and other documents i.e. arrest memo and seizure memo disclose recovery of narcotic substance i.e. 30.8 kgs. of *Ganja*, which is above commercial quantity from the possession of the petitioner. Arrest memo was also contemporaneously prepared and signed by the petitioner. Allegation of false implication is a question of fact which requires to be probalised during trial. In view of the aforesaid

¹ (1997) 1 SCC 416

incriminating materials 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**.

Trial court is directed to expedite the trial and conclude the same at an early date.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)