

09.01.2023

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Allowed

C.R.M. (NDPS) No. 18 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Beldanga Police Station Case No. 572 of 2012 dated 14.10.2012 under Sections 20(b)/29 of the NDPS Act.

And

In Re : Najera Bewa @ Nahera petitioner

Mr. Anisur Rahman

.....for the petitioner

Mr. Ranadeb Sengupta

.....for the State

Learned Counsel appearing for the petitioner submits she is in custody for 130 days. Co-accuseds have been acquitted of the charge. She prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner had absconded for a decade. Case diary is untraceable.

We have considered the materials on record. Conduct of the petitioner is not at all appreciable. However, co-accuseds who had been put on trial earlier have been acquitted. As case records are untraceable there is little possibility of the trial concluding in the near future.

In view of the aforesaid peculiar circumstances, we are of the opinion that the petitioner may be granted bail, however, subject to strict conditions.

Accordingly we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.20,000/- with two sureties

of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, Murshidabad at Berhampore, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further conditions that while on bail petitioner shall remain with the jurisdiction of Beldanga Police Station until further orders except for attending court proceedings.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)