

13.03.2023
tkm/ct 28
sl no. 69

C.R.M. (NDPS) 367 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Ketugram P.S case no. 491 of 2022 dated 22.9.2022 under section 20(b)(ii)(c) of the NDPS Act
and

Allowed

In Re : Sabita Das @ Sima Das & Anr.

..... petitioners

Mr. Arnab Chatterjee
Mr. A Islam
Mr. Sourav Mukherjee
Mr. D Biswas
Ms. P Bose

..... for the petitioners

Mr. M Sur
Mr. M Mahata

..... for the State

Petitioners are in custody for 153 days. Investigation is complete. It is contended no narcotics was recovered from them.

Learned lawyer for the State opposes the bail prayer. He submits narcotics was being conveyed in a vehicle owned by petitioner no. 1. CDR shows telephonic communication between the petitioners and co-accuseds who were apprehended with narcotics.

We have considered the materials on record. Vehicle used to transport narcotics belonged to petitioner no. 1. In view of the aforesaid circumstance and the statutory presumption with regard to requisite knowledge of the owner of the vehicle disentitles petitioner no. 1 from bail.

However, complicity of petitioner no. 2 transpires from the telephonic conversations between parties only. Contents of such conversations are not placed on record. No money trail has been traced to petitioner no. 2 in the present case. In view of scanty materials on record, we are of the opinion petitioner no. 2 has

been able to rebut statutory restrictions under section 37 of the NDPS Act and he may be granted bail.

Accordingly, the petitioner no. 2 viz. Mina Bibi @ Buchi 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 learned Judge, 3rd Special Court (NDPS Act) Purba Burdwan on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

The application being CRM (NDPS) 367 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)