

13.03.2023
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allowed

CRM (NDPS) No. 370 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No. 511 of 2017 dated 24.06.2017 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Piyara Bibi petitioner

Mr. Jisan Hossain
Ms. Chandrima Debnath
Mr. Karnel Mondal

.....for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

..... for the State

Learned Counsel for the petitioner submits she is in custody for 48 days. Co-accuseds are on bail. No narcotics was recovered from her possession.

Learned Counsel for the State opposes the prayer for bail and submits petitioner had absconded for a protracted period of time.

We have considered the materials on record. No narcotics was recovered from her possession. Petitioner is a lady and co-accuseds are on bail. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the Code of Criminal Procedure and as co-

accuseds are on bail, we are inclined to extend the same privilege to her.

Accordingly, we direct that the petitioner shall 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, Special Court under NDPS Act, Berhampore, Murshidabad, subject to the 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 or commit similar offences in future.

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 automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)