

16.03.2023
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allowed

CRM(NDPS) No. 396 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala Police Station Case No. 477 of 2022 dated 02.07.2022 under Section 21(c) of the NDPS Act and Section 46(A)(c) of the Bengal Excise Act.

And
In Re : Saraswati Majumder petitioner

Mr. Kusal Kumar Mukherjee
Mr. Surajit Basu
.....for the petitioner

Mr. S. G. Mukherjee, learned P.P.
Mr. Saryati Datta
..... for the State

Learned Counsel for the petitioner submits she is in custody for 205 days. It is also submitted no narcotics was recovered from her possession. She renews her prayer for bail.

Learned Counsel for the State opposes the prayer for bail and submits bail prayer was rejected earlier.

We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on the ground that recovery was made from her residence. Perusal of the F.I.R. would show that BSF personnel saw the co-accused with the contraband crossing the international border. When they chase him, he ran into the house of the petitioner. The aforesaid circumstance would not invariably lead to the inference of complicity of the petitioner in harbouring the co-accused. He may have run into the house out of desperation. Petitioner does not have criminal antecedents. In the aforesaid circumstances, we are of the opinion bail prayer of the petitioner needs to be reconsidered and allowed.

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, Krishnagar, Nadia, subject to condition that 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.

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.)