

23.03.2023.
21.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 479 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.14 of 2023 arising out of Kaliachak P. S. Case No.83 of 2023 dated 25.01.2023 under Sections 21(b)/27A/29 of the NDPS Act.

In the matter of : Sumi Bibi @ Khatun @ Mujlefa
Khatun @ Bibi.

.... Petitioner.

Mr. Mrityunjoy Chatterjee.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharya,
Mr. Arijit Ganguly.

...for the State.

Petitioner is in custody for 60 days. He submits recovery is below commercial quantity. He prays for bail.

Learned Advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Recovery from the house of the petitioner is to the tune of 200 grams of heroin which is below commercial quantity. Petitioner is a lady with a suckling child.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Sumi Bibi @ Khatun @ Mujlefa Khatun @ Bibi 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 N.D.P.S. Act, Malda

subject to condition that she shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)