

03.04.2023
Sl. No.8
akd
[ALLOWED]

C. R. M. (NDPS) 623 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.03.2023 in connection with NCB Crime No. 08 of 2020 under Sections 8(c)/22(c) of the NDPS Act. (NDPS Case No.16 of 2020)

And

In Re: ***Rubina Bibi @ Marjina Bibi***

... .. Petitioner

Mr. Ayan Bhattacharjee
Ms. Mitul Hajra

... .. for the petitioner

Mr. Arun Kumar Maiti

... .. for the NCB

It is submitted on behalf of the petitioner that she is in custody for over 70 days. It is further submitted no narcotics was recovered from her possession. Co-accused has been enlarged on bail.

Learned Advocate for the NCB opposes the prayer for bail and submits petitioner was involved in dealing in narcotics. She had absconded for about three years.

We have considered the materials on record. No narcotics was recovered from the petitioner. Under similar circumstances, co-accused viz. Bappa Das @ Bapan Das (Lady) has been enlarged on bail. Investigation is complete. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and she may be enlarged on bail. Apprehension of abscondence may be addressed by subjecting her to appropriate conditions.

Therefore, the accused/petitioner, namely ***Rubina Bibi @ Marjina Bibi***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one

of whom must be local, to the satisfaction of the learned Judge, Special Court, under the NDPS Act-cum-Additional District & Sessions Judge, 3rd Court, Balurghat, Dakshin Dinajpur subject to condition that the said petitioner 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 or commit similar offences in future and on further condition that the petitioner, while on bail, shall remain within the jurisdiction of the district of Dakshin Dinajpur until further orders.

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

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)