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allowed

CRM (NDPS) No. 659 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Muchipara Police Station Case No. 146 of 2018 dated 01.05.2018 under Sections 21(b)/29 of the NDPS Act.

And

In Re : Mamata Sheikh petitioner

Mr. Apalak Basu
Mr. Nazir Ahmed

.....for the petitioner

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee

..... for the State

Learned Counsel for the petitioner submits she was on bail earlier. As she had been arrested in connection with another case, she was unable to appear and warrant of arrest came to be issued. Thereafter she had been rearrested and is in custody for 280 days. She has been acquitted in the other case. She prays for bail.

Learned Counsel for the State opposes the prayer of bail and submits trial is in progress.

We have considered the materials on record. Alleged possession from the petitioner is of intermediate quantity of narcotics. She was unable to appear before the trial court due to circumstances beyond her control. She has been acquitted in the other case where she had been arrested. Under such

circumstances, we are inclined in granting bail to the petitioner.

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 Bench-1 Judge, NDPS Act, City Sessions Court, Calcutta-in-Charge, subject to the conditions 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 automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)