

11.04.2023.
24.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 709 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection N Case No.110 of 2022 arising out of Ghola P. S. Case No.729 of 2022 dated 12.12.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Smt. Bharati Mudalia @ Sarada.
.... Petitioner.

Mr. Debasis Kar,
Mr. S. Chowdhury,
Mr. Arka Tilak Bhadra.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta.

...for the State.

Petitioner is in custody for 120 days. No narcotics was recovered from her possession. She prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits investigation is in progress.

We have considered the materials on record. No narcotics was recovered from the petitioner. She has been subjected to custodial interrogation. But no incriminating material has transpired.

Under such circumstances, we are of the opinion petitioner has been able to rebut statutory restrictions under Section 37 of the NDPS Act and may be released on bail.

Accordingly, the petitioner viz., Smt. Bharati Mudalia @ Sarada 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 the NDPS Act, Barrackpore, North 24-Paraganas 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.)