

19.04.2023
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allowed

CRM(NDPS) No. 788 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 05/NCB/KOL/2023 dated 24.01.2023 under Sections 8(c) read with Sections 20(b)(ii)(a)/21(b)/29 of the NDPS Act.

And

In Re : Rishika Das petitioner

Mr. Angshuman Chakraborty

Mr. S. S. Saha

....for the petitioner

Mr. Kallol Mondal

.... for the NCB

Learned Counsel for the petitioner submits no narcotics was recovered from her. Quantity of narcotics recovered from co-accused was below commercial quantity.

Learned Counsel for the NCB opposes the prayer for bail and submits petitioner is the mediator and played role in trafficking narcotics.

We have considered the materials on record. No narcotics was recovered from the petitioner. Her complicity transpired from the statement of co-accused before NCB officer under Section 67 of the NDPS Act which is inadmissible in law. Under such circumstances it appears there is no legally admissible evidence connecting the petitioner with the transaction in narcotics and she is entitled to bail on such score.

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, Bench-I, NDPS Act, City Sessions Court, Calcutta, subject to 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 his 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.)