

23.08.2023

SL. 8

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2691 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Raghunathganj** P.S. Case No. **1106 of 2022** dated **24.12.2022** under Sections **21(b)/29** of the NDPS Act and Sections **77/78** of the Juvenile Justice Act pending before the learned Judge, Special Court (NDPS Act), Berhampore, Murshidabad.

And

In the matter of: **Kamla Bibi @ Kamela Bibi & Anr.**

....petitioners.

Mr. Tapodip Gupta

...for the petitioners.

Mr. Rudradipta Nandy, APP

Mr. Subroto Roy

...for the State.

1. Heard learned Counsel for both the parties.
2. It is fairly submitted at the Bar that the contraband seized from the possession of the minor daughter of the petitioners is more than small quantity but less than commercial quantity.
3. Regard being had to facts and submissions, factum of permanent residence of the petitioners, nature of allegation and completion of investigation, it is directed that each of the petitioner shall surrender before the learned Judge, Special Court (NDPS Act), Berhampore, Murshidabad within 15 days from today in the Special case arising out of aforesaid P.S. case. On their appearance and application for bail each of the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
4. Before parting with the order, we feel persuaded to observe here that the petitioners within 15 days from today along with their minor daughter shall appear before the Secretary, District Legal Services Authority, Murshidabad. On their appearance the Secretary, DLSA, Murshidabad in presence of the Public

Prosecutor shall find out under which circumstance the petitioners were using the minor girl for such illegal purpose. If the Secretary find it expedient in his discretion, he is directed to place the matter of custody of the minor child of the present petitioners before C.W.C. in the District of Murshidabad which shall take appropriate steps for complete rehabilitation of the minor daughter of the petitioners to keep away her from such adverse circumstances which has the potency of stunting the moral growth of the child.

5. The Secretary, DLSA, Murshidabad is directed to submit a report to this Court regarding the rehabilitation of the minor child of the petitioners and her education within a period of two months from the date of receipt of a copy of this order.
6. Department is directed to communicate this order to the Secretary, DLSA, Murshidabad and learned Additional Public Prosecutor, Murshidabad.
7. Department is further directed to list this matter before this Bench after receipt of the report from the Secretary, DLSA, Murshidabad, though the matter has been disposed of.
8. The learned Judge, Special Court (NDPS Act) is directed to act upon the server copy of this order, if required.
9. Accordingly, the prayer for the anticipatory bail is allowed.
10. The application being **CRM (A) 2691 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

