

08.08.2023
Sl. No.10
akd
[ALLOWED]

C. R. M. (NDPS) 1361 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.07.2023 in connection with Hili Police Station Case No.37 of 2023 dated 16.02.2023 under Sections 21(c)/22(c)/23(c)/27A of the NDPS Act. (NDPS Case No.18 of 2023)

And

In Re: ***Alta Banu @ Mamoni Khatun @ Atta Banu***

... .. Petitioner

Mr. Kaushik Choudhury
Ms. Busra Khatoon

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mr. Antarikhya Basu

... .. for the State

It is submitted on behalf of the petitioner that she is in custody for about 120 days. It is further submitted no narcotics was recovered from her possession. Accordingly, she prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits Call Detailed Records (CDRs.) show communications between the petitioner and co-accused from whom narcotics was recovered.

We have considered the materials on record. We find that no narcotic substance was recovered from the possession of the petitioner. Apart from CDRs. showing communications (*contents whereof are unknown*) with co-accused, no legally admissible evidence is placed on record to implicate her in the transportation of narcotics. In view of the aforesaid scanty materials on record, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. Under such circumstances and in view of the period of detention suffered by her, we are of the opinion further detention of the

accused/petitioner is not necessary and she may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Alta Banu @ Mamoni Khatun @ Atta Banu***, 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 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 and shall report to the Officer-in-charge, Hili Police Station once in a week 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.)