

18.12.2023

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Allowed

C.R.M. (NDPS) No. 1930 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with S.T.F. Police Station Case No. 06 of 2021 dated 14.02.2021 under Sections 21(c)/22(c)/27A/29 of the N.D.P.S. Act.

And

In Re : Parvati Devi @ Pabitri Devi Jaiswal petitioner

Mr. Rajeev Lochan

.....for the petitioner

Mr. Avishek Sinha

.....for the State

1. Learned Counsel for the petitioner submits she is a septuagenarian lady. She contends she had no knowledge of narcotics which has been carried in the vehicle. She is in custody for nearly three years. Recording of evidence has not commenced. Accordingly, she prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner and co-accused were indulging in inter-State trafficking of narcotics. Over 7 kgs. of Heroin was recovered from two vehicles. Petitioner was present in one of the vehicles. Her bail prayer was rejected earlier on merits. Accordingly, her bail prayer may be rejected.

3. We have considered the materials on record. There are materials to show petitioner was present along with co-accused and was trafficking narcotics above commercial quantity. On such premise bail prayer of the petitioner had been turned down. She is a septuagenarian lady and there is

no chance of trial concluding in the near future. Purely on humanitarian considerations arising out her age we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.25,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, City Sessions Court, Kolkata, subject to conditions that while on bail petitioner shall remain within the Municipal limits of Kolkata and provide address where she shall presently reside to the investigating agency as well as Court below. She shall also report to the officer-in-charge of the concerned police station once in a week until further orders. 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.

5. In the event 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.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

