

AD-39
Ct No.01
Jalpaiguri
02.02.2023
TN

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 25 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **02.01.2023** in connection with **NDPS** Case No. **66 of 2021** arising out of **Maynaguri** Police Station Case No. **428 of 2021** dated **27.08.2021** under Sections **20(b)(ii)(c)** of the **NDPS Act**.

And

In the matter of: **Begam Afsahani @ Begham Afsahani**

.... petitioner

Mr. Sudhindra Deb

... for the petitioner

Mr. Saikat Chatterjee,
Mr. Arjun Chowdhury

... for the State

In the present case, it is rightly contended by learned counsel for the State that the provisions of law including Section 41B of the Code of Criminal Procedure and Section 50 of the NDPS Act have been complied with duly. As such, there is no direct contravention of the provisions of law to negate the presumption under Section 37 of the NDPS Act.

However, we also find from the records and from the submission of the petitioner that the petitioner is a lady who is already in custody for 523 days.

Moreover, the charge-sheet has been filed long back.

Keeping in mind particularly the long period of custody and the fact that the petitioner is a lady, we are inclined to grant bail to the petitioner.

Accordingly, CRM (NDPS) 25 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes 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 NDPS Act), First Court at Jalpaiguri.

The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.

The petitioner, further, shall not make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)