

D/L. 10.
September 14, 2023.
MNS

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

CRM (A) 679 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.08.2023 in connection with Tufanganj Police Station Case No. 184 of 2017 dated 28.04.2017 under Section 20(b)(ii)(C) of the NDPS Act, 1985.

And

In the matter of: Sita Barman

.... petitioner

Mr. Partha Pratim Sarkar,
Mr. Sandip Guha Roy

... for the petitioner

Mr. Abhijit Sarkar,
Mr. Aniruddha Biswas

... for the State

1. Learned counsel for the petitioner submits that the petitioner is a lady and is the alleged owner of a vehicle where the contraband articles were seized.
2. It is submitted that a co-accused person was enlarged on anticipatory bail vide order dated April 20, 2022 by a co-ordinate Bench.
3. It is contended that the petitioner's direct involvement in the offence has not been established.

4. That apart, it is argued that custodial interrogation is not necessary.
5. Learned counsel for the State vehemently opposes the prayer for anticipatory bail and submits that the order of anticipatory bail granted to the co-accused on April 20, 2022 is distinguishable from the present case inasmuch as the owner of the vehicle in the said case had already sold the vehicle.
6. That apart, in view of the bar under Section 37 of the NDPS Act, it is submitted, the petitioner ought not to be granted anticipatory bail.
7. A perusal of the order dated April 20, 2022 shows that the said case is undoubtedly distinguishable from the petitioner's case, since the alleged owner of the vehicle, from which the contraband article was recovered, had already transferred the vehicle, which was the primary consideration for the grant of anticipatory bail in the said case.
8. However, on a different footing, since the petitioner is a lady and charge sheet has already been filed and trial is about to commence, we do not find any immediate necessity of custodial interrogation of the petitioner.
9. Hence, we are inclined to grant a relief of anticipatory bail subject to similar stringent conditions as that of bail.
10. Accordingly, CRM (A) 679 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.

11. In the event of arrest, the petitioner shall be released on bail upon furnishing 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, Cooch Behar.
12. Furthermore, the petitioner shall not leave the territorial jurisdiction of the trial court throughout the period of trial without the leave of the said court and shall attend the trial on each and every date of trial.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)