

D/L. 56.
September 12, 2023.
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (NDPS) No. 647 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.08.2023 in connection with Kalchini Police Station Case No.77 of 2023 dated 22.05.2023 under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Preeti Lama

.... Petitioner

Mr. Partha Pratim Sarkar,
Mr. Sudip Guha

... for the petitioner.

Mr. Abhijit Sarkar,
Mr. Tapan Bhattacharjee

... for the State.

1. Learned counsel for the petitioner makes out several mitigating circumstances for grant of bail. First, the petitioner has raised a cloud on the memo of arrest since Column 10 was signed by a lady, who was allegedly a part of the raiding party, although not admitted to be so by learned counsel for the State.
2. Learned counsel appearing for the State opposes the prayer for bail on the ground of huge commercial quantity of contraband articles having been recovered.

3. However, in the present case, the petitioner is the owner of a grocery shop and is a widow lady having a seven year old minor child to look after. Moreover, the petitioner is in custody of about 111 days.
4. Learned counsel for the petitioner also places a co-ordinate Bench judgement of this Court in CRM (NDPS) 569 of 2023, wherein, under similar circumstances, the petitioner was granted bail.
5. Although, in the cited case, the legal provision of Section 41B of the Code of Criminal Procedure was violated, in the present case, there is some dispute raised by the State on such count. However, there is nothing on record to indicate that the lady-in-question, who signed Column 10, was or was not a member of the raiding party.
6. That apart, there are other mitigating circumstances as indicated above, particularly since the petitioner is a widow lady having a seven year-old minor child to look after, for which we are inclined to grant bail to the petitioner.
7. Accordingly, CRM (NDPS) 647 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, Jalpaiguri.
8. 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.
9. The petitioner shall not, directly or indirectly, 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.)

(Uday Kumar, J.)