

AD-15
Ct No.01
Jalpaiguri
21.09.2023
B.Pal

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

CRM (NDPS) 731 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.09.2023 in connection with Bhaktinagar Police Station Case No. 719 of 2023 dated 16.08.2023 under Sections 21(c)/22(c)/25/29 of the NDPS Act, 1985.

And

In the matter of: MERI SOREN @ MARINA SOREN

...Petitioner

Mr. Hillol Saha Podder,

... for the petitioner

Mr. Tapan Bhattacharjee,
Mr. Kallol Nag

... for the State

1. Learned counsel for the petitioner argues that the petitioner is a lady having three children, one of whom is only two and a half years old. It is submitted that there is no other responsible family member to look after her children.
2. That apart, the petitioner was arrested on the basis of the statements of co-accused persons which is not valid in law for

indicting a person. Learned counsel cites several judgments of coordinate Benches where anticipatory bail was granted to the accused persons on the ground that he/she was indicted on the basis of the statement of co-accused persons.

3. Learned counsel for the State opposes the prayer for bail. Learned counsel places reliance on the FIR and argues that the quantity of brown sugar seized was a huge amount being 4 kg 812 grams. That apart, the accused person was arrested before in many cases at Khoribari PS and Naxalbari PS in similar cases, copies of FIRs of which are enclosed in the CD. It is further argued that the petitioner is one of the 'kingpins' involved in the racket of narcotics.
4. We find, upon hearing learned counsel for the parties, that the petitioner is in custody for only about 61 days and the charge-sheet has not yet been filed. Despite the fact that the petitioner has a two and a half year old child and two other children, we are of the opinion that since the eldest daughter of the petitioner is 17 years old, she can take care of her youngest sibling for the present.
5. Since the petitioner was arrested in several cases on similar grounds, we are not confident that the presumption under Section 37 of the NDPS Act can be mitigated in the present case.
6. Hence, we are not inclined to grant bail at this stage to the petitioner.

7. Accordingly, CRM (NDPS) 731 of 2023 is dismissed.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)