

11.12.2023

8

sdas

Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (NDPS) No. 855 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure 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.

And

In Re : Meri Soren @ Meri Soren petitioner

Mr. Hillol Saha Podder
.....for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP
Mr. Kallol Nag
.....for the State

1. Learned Counsel for the petitioner submits she is in custody for 112 days. It is also submitted there is no development in the investigation disclosing her involvement in dealing in narcotics since rejection of bail by this Court. She renews her bail prayer.

2. Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner has criminal antecedents.

3. We have considered the materials on record. Complicity of the petitioner transpired from the statement of a co-accused before police officer which is inadmissible in evidence. In view of the nascent stage of investigation bail

prayer of the petitioner was turned down in September, 2023. Thereafter investigation has progressed for about three months but prosecution is unable to place before this Court any legally admissible evidence which would establish complicity of the petitioner in the transaction in question. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be released on bail subject to strict conditions.

4. Accordingly we direct that the petitioner shall be released on bail upon furnishing a 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, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall meet the Officer-in-Charge of the concerned police station once in a week until further orders.

5. In the event the petitioner fails to appear before the trial court without 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.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)

