

09.05.2024
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allowed

CRM(NDPS) No. 750 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 19 of 2023 under Sections 20(b)(ii)(c)/27A/29 of the NDPS Act.

And

In Re : Jahanara Begam @ Jahnara Mondal @ Jahanara Bibi @
Jahanara Mondal petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

....for the petitioner

Mr. Arun Kumar Maiti (Mohanty)
Mr. R. R. Mohanty

.... for the NCB

1. Learned Counsel for the petitioner submits she is in custody for 64 days. No narcotics was recovered from her possession. She has been falsely implicated in the instant case. Accordingly, she prays for bail.

2. Learned Counsel for the NCB submits report and submits petitioner has criminal antecedents. From her residence 7kgs. of Ganja and unaccounted cash were recovered. CDRs collected during investigation show telephonic conversations between the petitioner and co-accused from whom 30 kgs. of Ganja was recovered.

3. We have considered the materials on record. Initially petitioner was arrested on 21.01.2024 in a case involving recovery of 7kgs. of Ganja. She has been released on bail in the said case. Present case involves recovery of 30 kgs. of Ganja from the co-accused. Petitioner was shown arrested in this case on the

strength of the statement of the co-accused before investigating officer. Prosecution also relies on CDRs collected during investigation showing telephonic communication between the petitioner and co-accused. Contents of such conversation are not known. Though over Rs.10 lakhs of cash was recovered from the petitioner nothing is placed on record to trace money to the present transaction. 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 she may be enlarged on bail.

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-cum-learned Additional Sessions Judge, 3rd court, Howrah, on further condition that petitioner shall meet the investigating officer once in a month until further orders. She shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)