

19.08.2024
Item no. 68.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1257 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Rejinagar Police Station Case No.56 of 2023 Dated 27.02.2023 under Sections 20(b)(ii) (c)/29 of the NDPS Act

And

In the matter of : Dilruba Khatun

.....Petitioner.

Mr. A. A. Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatun,
Ms. June Modak

.....for the Petitioner.

Md. Zubaio Alam,
Mr. Avishek Verma

.....for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that she has no connection with the alleged contraband items. Commercial quantity of ganja was seized from the house of the petitioner's father, who fled from the spot. The petitioner was unfortunately present in her paternal house at that time. She has been wrongly implicated. She is in custody for 1 year six months. She is a married lady. Her husband has also been implicated but was granted anticipatory bail. There has been no progress in the trial at all.
2. Learned Advocate for the State, while opposing the prayer for bail, says that charge sheet was submitted on

30th July, 2023. Thereafter, no progress could be made since one of the accused persons was absconding.

3. In any event, the petitioner, a married lady, is in incarceration for one and half years. Even charge has not been considered. There are 16 witnesses. There is no possibility of an early conclusion of the trial.
4. Solely on the ground of inordinate delay in progress of the trial, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **Dilruba Khatun** shall be released on bail upon furnishing a bond of Rs.25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act at Berhampore, Murshidabad, and on further conditions that she shall not leave the jurisdiction of the concerned police station and shall cooperate with the investigation until further orders.
6. 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 and/or commit any cognizable offence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the

petitioner's bail in accordance with law without further reference to this Court.

8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)