

09.09.2024
Court No.29
Item No. 12

Allowed
sg

CRM (A) 3142 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Baishnabnagar Police Station Case No. 717 of 2020 dated 22.12.2020 under Sections 20(a)(c) of N.D.P.S. Act, pending before the learned Additional District Judge, 3rd Court, Malda.

And

In Re: **Sayema Bibi**

Petitioner

Mr. Kazi M. Rahman

For the Petitioner

Mr. Iqbal Kabir
Mr. Akash Ganguly

For the State

1. The learned Counsel for the petitioner submits that the petitioner is innocent and she is an owner of a miniscule share of land wherefrom it is alleged that cannabis plants have been seized. It is further submitted that she purchased the land in the year 2017 and she never cultivated any cannabis plant in the said land.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has produced the case diary and the seizure list.
3. Considering the materials available in the case diary, the nature and extent of involvement of the petitioner and in view of the fact that there is no clear indication that cannabis plants have been seized from the land of the petitioner and it is commercial quantity, we are of the view that the petitioner is able to rebut the presumption under Section 37 of the NDPS Act and the petitioner may be granted anticipatory bail.

4. Accordingly, we direct that in the event of arrest, the present petitioner, namely, **Sayema Bibi** 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 Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita. The petitioner shall meet the I.O. as and when required following the norms applicable to a woman accused till the submission of the final report. The petitioner shall appear before the learned Additional District Judge, 3rd Court, Malda, under NDPS Act, within two weeks from date.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
6. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)