

Court No. 1

01.05.2024

(JPD 70)

(S. Banerjee)

Calcutta High Court

In the Circuit Bench at Jalpaiguri

Appellate Side

(Allowed)

CRM (NDPS) 181 of 2024

In re: ^c An application for bail under Section 439 of the Code of Criminal Procedure in connection with Matigara Police Station Case No. 825 of 2023 dated 09.10.2023 under Sections 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Lakshmi Mondal @ Laxmi Mandal
...petitioner

Mr. Somraj Paul

... for the petitioner

Mr. Sourav Ganguly

Mr. Chattu Roy

... for the State

1. Learned counsel for the petitioner at the very outset draws our attention to page 17 of the instant bail application being the photocopy of the disability certificate of the present petitioner wherefrom it reveals that the present accused-petitioner is disable to the extent of 75 per cent. in both of her eyes. It is submitted that the present accused-petitioner, being practically a blind person, cannot be involved in the alleged crime.
2. Mr. Ganguly, learned counsel for the State, however, opposes such contention. He submits that commercial quantity of contraband was seized from the possession of the present accused-petitioner.

3. Considering the health condition of the present accused-petitioner, being 75 per cent. blindness in both her eyes and the possibility of complicity of the present accused-petitioner in the alleged crime, we are of the considered view that the present accused-petitioner is successful in rebutting the statutory restrictions under Section 37 of the NDPS Act.
4. Accordingly, we are inclined to allow the prayer for bail.
5. Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two registered sureties of Rs. 5,000/- each, to the satisfaction of the Learned Judge, Special Court (under NDPS) at Siliguri subject to the condition that he shall regularly appear before the trial court on each and every date of substantive hearing until further orders subject to the provision of Section 317 Cr.P.C. with a further condition that the petitioner shall file her original disability certificate along with photocopy thereof before the learned trial court.
6. The learned trial court is directed to verify the genuineness of such certificate and in the event if it is found that such disability certificate dated 12.11.2017 is not genuine, learned trial court will be at liberty to cancel the bail as granted above without making any further reference to this court.

7. In the event the petitioner fails to appear before the trial court without any justifiable cause or violates any condition given above, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this court.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)