

22.04.2024
SL No.214
Court No.1
(gc)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 317 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with New Jalpiguri Police Station Case No.931 of 2023, dated 25.09.2023 under Sections 21(c)/22(c)/23(c)/29 of the NDPS Act.

And

In the matter of : **Tahida Khatun @ Mamuni Khatun @ Mamuni Khati @ Mamuni & Ors.**

- Petitioners.

Mr. Sudip Guha,
... For the Petitioners.

Mr. Nilay Chakraborty, Ld. A.P.P.,
Mr. Sourav Ganguly
... For the State.

1. The petitioners are named in the FIR on the basis of a statement of a co-accused which is inadmissible in evidence. No narcotic substance of commercial quantity has been recovered from the custody of the present petitioners. Under such circumstances, the petitioners have been able to rebut the presumption under Section 37 of the NDPS Act.
2. Accordingly, we direct that in the event of their arrest, the petitioners, namely; **Tahida Khatun @ Mamuni Khatun @ Mamuni Khati @ Mamuni, Ismail Haque @ Israel Haque, Jamal Huque @ Haque** and **Tajmal Haque @**

Tajmul Haque be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, to the satisfaction of the learned Judge, Special Court (under NDPS Act), 1st Court, Jalpaiguri and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the petitioner shall appear before the learned trial Court within a fortnight from today.

3. The application for anticipatory bail is, thus, disposed of.
4. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)