

AD-20
Ct No.01
Jalpaiguri
24.07.2024
SP

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (NDPS) 294 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Kharibari Police Station Case No. 159/2024 dated 07.06.2024 under Sections 21(c)/22(c)/29 of the NDPS Act, 1985.

And

In the matter of: RANJANA BARMAN. . . .for the petitioner

Mr. Hillol Saka Poddar, Adv.,
Ms. Mousumi Das, Adv.

... for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Kallol Acharjee, Adv.
Mr. Arjun Chowdhury, Adv.

... for the State

1. Learned counsel for the petitioner contends that the petitioner's husband is the other co-accused person. The recovery was made from the person of the husband and there was no direct involvement of the petitioner. Only 14 bottles of the contraband substance was found from an almirah in the house where the petitioner and her husband reside.
2. Thus, it is submitted that there is considerable doubt cast on the involvement of the petitioner in the alleged offence.
3. Learned counsel for the State contends that the recovery was made from the house of the petitioner and as such, since the

charge-sheet has not yet been filed and investigation is going on, the petitioner ought not to be granted bail. The prayer for bail is accordingly opposed.

4. We find from the circumstances of the case that there is grave doubt as to the direct involvement of the petitioner in the alleged offence, thereby attracting the exceptions as envisaged in Section 37(2) of the NDPS Act for the purpose of consideration of bail.
5. Insofar as the State's apprehension regarding the ongoing investigation is concerned, we are inclined to grant bail upon putting in certain riders to that effect to allay such apprehension.
6. Accordingly, CRM (NDPS) 294 of 2024 is thus allowed, thereby granting bail to the petitioner on condition that the petitioner shall furnish bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Special Court under NDPS Act, Siliguri.
7. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall meet the Investigating Officer once every week throughout the period of investigation and thereafter shall attend on each and every date of trial.
8. Further, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case so as to

dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)