

20.12.2024
(D/L 23)
Ct. No.1
(Allowed)
(BKN)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.M.(A) 903 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Cr.P.C., 1973 in connection with Jaigaon P. S. Case No. 92 of 2024 dated 10.05.2024 under Sections 21(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

In the matter of : Sushila Gurung

... Petitioner

Mr. Subhankar Dutta,
Ms. Somdutta Patro,
Ms. Swagota Mitra

... for the petitioner

Mr. Ujjwal Luksom,
Mr. Biswarup Roy

... for the State

1. Heard learned counsel for the petitioner and the learned counsel for the State.
2. Nineteen bottles of cough syrup have been recovered from the accused who was taken in custody. Upon his disclosure one Pemba Sherpa has been arrested. It is this Pemba Sherpa who has stated about the petitioner's complicity also in the illegal trade and smuggling of cough syrup.
3. The learned counsel for the petitioner submits that there is no recovery whatsoever from the petitioner. The statement of a co-accused forms the basis of her implication. She is a lady and has no concern with the affairs and there is nothing in the course of the

investigation to connect her involvement other than the statement of co-accused. She also claims a clean past.

4. The learned counsel for the State has opposed the prayer. It is submitted that co-accused has stated about her complicity.
5. Considering the rival submissions, the manner of petitioner's implication based on statement of co-accused, there being no recovery alleged from the petitioner, the fact that she is a lady as also the fact that the charge sheet has been submitted under Section 306 of the I.P.C., we are inclined to allow the prayer for anticipatory bail.
6. Accordingly, it is directed that in the event of arrest the petitioner 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 Court below and subject to the conditions as laid down under Section 438(2) of the Code of Criminal procedure, 1973, with a further condition that the petitioner shall attend the learned Court below on all the dates fixed for hearing.
7. It is further directed that the petitioner shall not tamper with evidence and/or influence the witnesses in any manner whatsoever.
8. In the event, the petitioner fails to comply with the aforesaid directions without any justifiable cause, the

learned Court below shall be at liberty to cancel her bail without any further reference to this Court.

9. Accordingly, the prayer for the anticipatory bail is allowed.
10. Within 15 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
11. The application being CRM(A) 903 of 2024 is disposed of.
12. Case Diary be sent back immediately.
13. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)