

C. R. M. (A) 559 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 12.02.2025 in connection with NCB Crime No.16/NCB/KOL/2024 under Sections 8(c)/21(c)/29 of the NDPS Act. (NDPS Case No.79 of 2024)

And

In Re: **Mayjan Sekh**

... .. Petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Mr. Krishnendu Bhattacharya
Mr. Anirban Mitra
Mr. Ashique Mondal

... .. for the NCB

1. It is submitted on behalf of the petitioner that she is in no way connected with the alleged narcotics business. Initial chemical report of seized contraband did not show presence of narcotics. Subsequent report shows presence of *alprazolam* in one of the seized contraband. Quantity of *alprazolam* seized is 50 gms. which is below commercial quantity. Accordingly, she prays for anticipatory bail.
2. Learned Advocate for the NCB opposes the prayer for anticipatory bail and submits petitioner and her husband were dealing in narcotics. Inspite of notice, she did not respond.
3. We have considered the materials on record. Contraband was recovered from the petitioner's husband. Petitioner contends she is in no way connected with the alleged activity. Be that as it may, quantity of narcotics recovered i.e. 50 gms. of *alprazolam* is below commercial quantity. Restrictions under Section 37 of the NDPS Act are not attracted. Apart from statement of petitioner's husband before enquiry

officer under Section 67 of the NDPS Act which is inadmissible in law, no independent material is placed to show petitioner is involved in the narcotics business. Investigation is substantially complete. Petitioner's husband is on regular bail.

4. Under such circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary and she may be granted anticipatory bail.

5. Accordingly, we direct in the event of arrest, the accused/petitioner, namely, **Mayjan Sekh**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)