

15.05.2025
Court No.28
Item No.24
tbsr
Allowed

CRM (A) 1560 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Lalgola** P.S. Case No.**787 of 2024** dated **28.07.2024** under Section 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: **Rehena Bibi @ Rehana**

....Petitioner.

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose
....for the petitioner.

Mr. Rudradipta Nandy, Id. APP
Mr. S. Balial
.....for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. The alleged contraband was seized from the house of the husband of the petitioner. The petitioner is the second wife of the said principal accused. Against her there are no incriminating materials except for the statement of a co-accused (her husband) which is inadmissible in evidence. Charge sheet has been submitted. The other co-accused has been granted anticipatory bail by this Court on 08.04.2025 in CRM (A) 1141 of 2025.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and relies on the statements of the co-accused/husband.

In view of the fact that apart from the statement of the co-accused there is no other incriminating materials available against the petitioner and the fact that similarly circumstanced co-accused was

granted anticipatory bail by this Court, the restriction contained in Section 37 of the NDPS Act stands rebutted.

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 Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall not threaten or intimidate witnesses and shall surrender before the learned trial Court within five weeks from this date.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)