

CRM (NDPS) 727 of 2025

An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in Case No. N-06/2024 which arose out of F. No. SI(VII)-197/2024 dated 15.09.2024 under Sections 21(b)(ii)(C))/23/29 of the NDPS Act, 1985.

Reshma Khan
Vs.
The Union of India

Mr. Milon Mukherjee, Sr. Advocate
Mr. Biswajit Manna
.....**For the Petitioner**
Mr. Arun Kumar Maiti (Mohanty)
Mr. R. R. Mohanty

....**For the Union of India**
Mr. Vipul Kundalia
Mr. Kaustuv Kanti Maity
Ms. Uneaza Ali
Mr. Dhirodatto Chaudhuri

....**For the Customs Authority**

Learned counsel appearing on behalf of the petitioner submits that nothing was recovered from the possession of the present petitioner and the recovery was made from one Bidya Kumari from whose possession 21.661 kg. of ganja was allegedly recovered which she was carrying in 44 packets. The only allegation against the present petitioner is that the PNR No. of both the present petitioner and the said Bidya Kumari are the same. PW-1, who has already adduced evidence has also not stated anything against present petitioner.

Learned counsel appearing on behalf of the Customs Authority opposed the bail prayer contending that the present petitioner was in conscious possession of the narcotic substance as she was travelling jointly with the accused Bidya Kumari from whose possession the narcotic substance was recovered. He further submits that the charge has already been framed and prosecution witness no.1 has already deposed before the court in support of prosecution case.

Perused the documents placed before me and it appears that prosecution failed to satisfy at this stage that there are reasonable grounds for believing that present petitioner was conscious about what her co-passenger Bidya Kumari was carrying in her trolley. Admittedly nothing was recovered from petitioner's possession and trial has already been commenced and petitioner is in custody nearly about one year. It is doubtful whether rigour of section 37 of the NDPS Act also attracts in respect of present petitioner or not.

Having heard the learned counsel appearing on behalf of the petitioner and the State and after going through the materials available in the record, I am inclined to grant bail in favour of the petitioner.

Accordingly, the petitioner namely, **Reshma Khan** shall be released on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10000/-each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Barasat, and also on condition that the petitioner shall not leave the geographical limit of District – North 24 Parganas, without the leave of the Trial Court and shall report to the Officer of the Principal Commissioner of Customs (Airport and ACC), N.S.C.B.I. Airport, Kolkata – 700052 during sunrise and sunset once in a week until further order.

It is further ordered that the accused person shall not mis-use the liberty granted by this Court and she shall not tamper with any evidence orally or documentary during the trial. She shall not absent herself on any day during trial and shall not commit any offence while on bail. She shall give her mobile phone number to the local police station and shall not change it without prior permission of the trial court and she shall not in any manner try to delay the trial. The petitioner shall not leave the jurisdiction of trial court without taking leave from the court below. The Court below will be at liberty to cancel the bail in the event of violation of any of the conditions without making any

reference to this court.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merit of the case by this Court.

Accordingly, CRM (NDPS) 727 of 2025 is disposed of.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)