

CRM (NDPS) 1065 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 connection with Berhampore Police Station Case No.1845/2024 dated 15.11.2024 under Sections 21(c)/29 of the NDPS Act corresponding to NDPS Case No. 117/2024.

Adari Bibi
Vs.
The State of West Bengal

Mr. Jisan Iqubal Hossain
.....For the Petitioner
Mr. Debabrata Chatterjee
Mr. Mujibar Ali Naskar
....For the State

Prosecution case is that 50 bottles of cough syrup containing codeine phosphate were recovered from the possession of co-accused. However, nothing was recovered from the possession of the present petitioner. The name of the present petitioner transpired from the co-accused statement. She voluntarily surrendered before the court and he was taken into custody. He further submits that co-accused Morjina Bibi obtained bail from this court in CRM (NDPS) 793 of 2025 and Hasina Bibi was granted anticipatory bail in CRM (A) 1871 of 2025 and she is almost on the same footing and as such she may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State

opposed the bail prayer. However, in his usual fairness he submits that though the petitioner was taken in police custody for about 5 days but nothing was recovered from her possession and she is almost on the same footing with those who obtained bail from this court.

Having heard the learned counsel appearing on behalf of the petitioner and the State and that there is no allegation of recovery of contraband substance from the possession of the present petitioner, and as such the rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner and that she is almost on the same footing with that co-accused Morjina Bibi and Hasina Bibi.

Accordingly, the petitioner namely, **Adari Bibi** 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, Berhampore, and also on condition that the petitioner shall not leave the geographical limit of District – Murshidabad, without the leave of the Trial Court and shall report to the Officer-in-charge/Inspector in Charge, Berhampore Police Station, District – Murshidabad, 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) 1065 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.)

