

25.09.2025
Item no. 206
Ct. No. 29
(ALLOWED)

C.R.M. (NDPS) 1148 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973 corresponding to under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 284 of 2021 arising out of Suti Police Station Case No. 551 of 2021 dated 18.12.2021 under sections 21 (a)/29 of the NDPS Act, 1985.

BD.

In the matter of : **Rojina Bibi @ Chhobi Bibi**

.... Petitioner.

Mr. Arnab Chatterjee

Mr. Anisur Rahaman

... for the petitioner.

Mr. Joydeep Biswas

Mr. Dattatreya Dutta

... for the State.

Prosecution case is that 35 gms. of heroin was recovered from the possession of Jarjish Sk., which is below the commercial quantity and 4.8 ltrs. of codeine phosphate was recovered from one **Monirul sk.**, one of the co-accused persons, and petitioner's name transpired from the statement of co-accused Jarjish Sk. He further submits that the prosecution proposes to examine 22 witnesses but the charge has not yet been framed. He further submits that the present proceeding initiated against eight persons, out of which seven accused persons are on bail. He further submits that the state has referred one antecedent of the present petitioner, being Suti Police Station Case No. 238 of 2021, dated 30th June, 2021 and on the ground of which his anticipatory bail prayer was rejected earlier, has been ended in acquittal subsequently.

Considering the aforesaid facts and circumstances of the case the petitioner may be granted 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 no recovery was made from the possession of the present petitioner and her name transpired from the co-accused statement.

Having heard learned counsel appearing on behalf of the petitioner and the State and that the prosecution proposes to examine 22 witnesses but the trial has not yet been commenced and as such there is hardly any chance of early conclusion of trial and that due to non-recovery of contraband from the present petitioner, the rigour of Section 37 of the NDPS Act may not attract in respect of the present petitioner and as such considering the overall aspect of the matter, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely, **Rojina Bibi @ Chhobi Bibi**, shall find bail of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Berhampore, Murshidabad, 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 Inspector-in-charge/Officer-in-Charge, Suti Police Station, District-

Murshidabad, once in a week between sunrise and sunset 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 cell 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 the trial court without taking leave from the Court below. In case of violation of any of the conditions the trial Court will be at liberty to cancel the bail without making any further reference to this Court.

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

Accordingly, C.R.M. (NDPS) 1148 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.)

