

CRM (NDPS) 1925 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **F. No. – SI(VII) – 200/2024 (AIU)** dated **17.09.2024** under Section **8/20(b)/9(ii)(B)/23/29** of the NDPS Act.

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In the matter of : Bani Rani Barui

.... Petitioner.

Mr. Srinjan Ghosh,

... For the Petitioner.

Ms. Manasi Mukherjee,
Mr. B. Mukherjee

... For the customs.

Order dictated by Arijit Banerjee, J.:

1. Leave is granted to the learned Advocate on record for the petitioner to correct the cause title of the bail application.
2. The petitioner says that she has been falsely implicated. In any event, intermediate quantity of ganja i.e., approximately 4 kgs was recovered from her luggage at the Kolkata Airport. She is in custody for 120 days. Investigation is complete. Charge sheet has been filed. Her further custodial detention is unnecessary.
3. While opposing the prayer for bail, learned State Advocate says that on some aspects investigation is still going on and supplementary complaint may have to be filed.
4. On an overall assessment of the facts and circumstances of the case and considering that investigation is complete and charge sheet has been filed, we are inclined to enlarge the petitioner on bail also keeping in mind that intermediate quantity of contraband is involved and therefore, the restrictions in Section 37 of the NDPS Act are not attracted.

5. Accordingly, we direct that the petitioner, namely, **Bani Rani Barui**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under the NDPS Act, Barasat, North 24 Parganas, subject to condition that she shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not leave the jurisdiction of the concerned Police Station and shall cooperate with the Investigating Authority in case there is further investigation until further orders.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.
7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)