

11.02.2025
Court No.01
rpan / 04

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

CRM (NDPS) 16 of 2025

In Re: Runna Devi @ Runa Devi

- Petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das
... for the Petitioner.

Mr. Nilay Chakraborty, Ld. APP
Mr. Arjun Chowdhury
... for the State.

The present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been preferred in connection with New Jalpaiguri, G.R.P.S. Case No.76 of 2024 dated 25.09.2024 under Sections 8(c)/20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Mr. Saha Podder, learned advocate appearing for the petitioner submits that the petitioner is languishing in custody since the month of September, 2024. The present application is the first application before this Court and it is not a case that on numerous prior rounds there emerged enough reason to believe that the petitioner was, *prima facie*, guilty of the accusation made against her.

Placing reliance upon a judgment delivered by a co-ordinate Bench of this Court in *Shainur Bibi @ Sainur Bibi & Anr.* [CRM (NDPS) 428 of 2023], Mr. Saha Podder submits that there are blatant infirmities in the records and the manner in which investigation has been conducted. In the said conspectus, the

fact of recovery of contraband substance from the possession of the petitioner is doubtful.

Mr. Chakraborty, learned Additional Public Prosecutor, however, opposes such prayer of the petitioner and submits that there are strong incriminating materials against the petitioner and procedural irregularities, if any, shall be dealt with at the time of trial.

We have heard the learned advocate appearing for the respective parties and considered the materials on record.

Prima facie, contraband substance above commercial quantity was recovered from the possession of the petitioner and as such, she has not been able to rebut the presumption under Section 37 of the NDPS Act. The petitioner's involvement in the alleged offence cannot be ruled out at this stage. Accordingly, we are not inclined to exercise discretion in favour of the petitioner and her prayer for bail is rejected at this stage.

The application for bail, being CRM (NDPS) 16 of 2025 is, accordingly, dismissed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Prasenjit Biswas, J.)

(Tapabrata Chakraborty, J.)