

**In the Court of Additional District & Sessions Judge, 2nd Court,
- Cum -
Judge, Special Court, NDPS Act,
Berhampore, Murshidabad.**

**Present : Sri Ajay Kumar Singh
Additional District & Sessions Judge, 2nd Court,
-Cum-
Judge, Special Court, NDPS Act,
Berhampore, Murshidabad.**

**Bail Petition No.:- 161/2026
(In NDPS Case No.:- 60/2024)**

Re : Application for bail of the petitioners/accused persons in connection with Nabagram P.S. Case 352, dated 23.07.2024, under Section 20(b)/29 of NDPS Act.

Kartik Pally Biplab Malo		Petitioners/Accused Persons
<u>Versus</u>		
State of West Bengal		O.P.

Order No. 38, dated:- 30.07.2026.

Today is fixed for hearing of the instant bail application.
Ld. Special P.P. is present. So does the Ld. Advocate for the petitioners.
CD is available.
The instant bail application is taken up for hearing.

At the outset, Ld. Advocate for the petitioners/accused persons has submitted that the petitioners are innocent and they have been falsely implicated in this case. He has further contended that the petitioners are in Judicial Custody since 24.07.2024. Ld. Advocate for the petitioners has also contended this Court that the Ld. Court has framed charge against the accused persons and thereafter the informant of this case has been examined by the prosecution. Ld. Advocate for the petitioners has also apprised this Court that earlier prayer for bail of the petitioners was rejected by the Hon'ble High Court, Calcutta. In this background, Ld. Advocate for the petitioners has prayed before this Court to release the petitioners on bail on any condition put by this Court.

Per Contra, Ld. Special P.P. has vehemently raised objection against the bail application. In support of his contention, he has submitted that the petitioners are involved in the illegal business of contraband substance so seized and there is sufficient allegation against them. He has further contended that in this case commercial quantity of contraband substance in terms of 146.042 kg. Ganja contained in five sacs was recovered and there is specific bar u/S. 37 of the NDPS Act and he prays for custodial trial of the accused persons and not to release the accused persons on bail in such cases.

Heard the rival submissions at the Bar. Considered.
Perused the materials on record.

Having heard the submissions of both the sides and on perusal of the case records including the case diary, it transpires that the allegation against the petitioners are serious in nature. I also do find that in this case commercial quantity of contraband substance in terms of 146.042 kg. Ganja contained in five sacs was recovered and there is specific bar u/S. 37 of the NDPS Act. I also do find that the informant of this case has been examined by the prosecution. I am also of the considered view that if the petitioners are released on bail there is every chance of tampering with evidence in the instant case.

Considering the facts and circumstances of the instant case and also taking into consideration that there is bar u/s. 37 of the NDPS Act and also considering that prayer for bail of the petitioners was earlier rejected by the Hon'ble High Court, Calcutta, I am not inclined to allow the instant bail application of the petitioners at this stage and accordingly the prayer for bail of the petitioners is rejected.

The instant bail application is disposed of in the above terms.
Return CD.
To dates [01.08.2026, 03.08.2026, 04.08.2026].

Dictated & Corrected by
me

Judge, Special Court, NDPS Act,
(J.O. Code:- WB 01303)

Addl. Dist. & Sess. Judge, 2nd Court
- CUM -
Judge, Special Court, NDPS Act,
Berhampore, Murshidabad.
(J.O. Code:- WB 01303).