

C. Case No. 1/2024
CNR- WBBB01-000034-2024
JO-WB00702

Order No. & Date
07/ 28.02.2024

This day is fixed for production of the accused persons and I.O.'s report.

Accused persons namely Subrata Das, Tathagata Roy, Tridib Chowdhury and Shipra Banik are produced before this court.

One bail petition is filed by the Ld. Advocate for the accused person namely Sipra Banik. Ld. Advocate moves the bail petition and prayed for releasing her on bail on the ground stated therein.

It has been submitted that the mandatory provisions of NDPS Act have not been duly followed during search and seizure of the alleged contraband articles. Ld. Advocate further submitted that the female accused has been detained for a considerable period for more than 66 days in the custody and accordingly, prayed for releasing her on bail by imposing any condition upon her.

Ld. Special P.P. raised strong objection against the bail prayer and also submitted that the submissions advanced by the Ld. Defence Counsel will be considered not at this stage but at the time of trial. Ld. Advocate further submitted that a huge quantity of contraband (ganja) was recovered and seized from the possession of the accused persons and the above named accused abated the said offence by taking an active part in trafficking the NDPS articles and accordingly, prayed for its rejection.

Perused the bail petition along with the record.

Having heard the rival submissions of the Ld. Advocates of both sides. On perusal it reveals that the investigation is under process and it should be allowed to proceed smoothly. Having regard to the quantity (91.500 kgs) so involved in this case would fall under commercial quantity. It is the trite law that there is an embargo u/s 37 of NDPS Act over grant of bail to the accused persons at this stage.

In the above circumstances, this Court is not inclined to release the above named accused on bail at this stage when the investigation is going on.

Hence, I am of the opinion that the accused does not get any latitude of liberty to be released on bail at this crucial stage. Hence, bail petition stands rejected.

To 13.03.2024 for production of accused persons and I.O.'s report.

Dictated & corrected

Judge, Special Court under
NDPS Act, 1st Court,
Suri, Birbhum.

C. Case No. 1/2024
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Order No. & Date
03/ 03.01.2024

A petition under Section 52(2)A of the N.D.P.S. Act has also filed by the I.O., namely Prasenjit Biswas, Inspector of Police, Special Task Force, West Bengal (Durgapur Unit) praying for passing necessary order in respect of certification of correctness of inventory, photographs and sample of seized Narcotic drug and Narcotic substances as seized in connection with Shantiniketan PS Case No. 216 of 2023, dated 22.12.2023 for committing offence U/s-20(b) (ii)©/25/29 of the NDPS Act,1985.

The petition is taken up for hearing. Heard both sides. Considered.

On perusal of the petition and record, it appears that the seized contraband articles like ganja has been recovered from the possession of the accused persons and inventory list was duly prepared by the IO. Therefore, the prayer of the IO made u/s 52 A (2) of the NDPS Act is considered and allowed.

The Ld. J.M., 1st Court, Bolpur, Birbhum is requested to do necessary for the purpose of compliance of the provisions incorporated u/s 52A (2) of the N.D.P.S. Act and particularly for the purpose of (a) certifying the correctness of the inventory so prepared ; or (b) taking in the presence of such Magistrate, photographs of such drugs or substances and certifying such photographs as true ; or (c) allowing to draw representative samples of such drugs or substances, in the

presence of such Magistrate and certifying the correctness of any list of samples so drawn.

The I.O. is directed to take necessary steps for production of the seized articles before the Ld. Judicial Magistrate, 1st Court, Bolpur, Birbhum for compliance.

Let a copy of this order be sent to the Ld. J.M., 1st Court, Bolpur, Birbhum and IO of this case for information and necessary compliance.

To date (16.01.2024)

Dictated & corrected by me.

Sd/- B. Chatterjee

B. Chatterjee

Judge, Special Court under
NDPS Act, 1st Court, Suri

Judge, Special Court under
NDPS Act, 1st Court, Suri.

Memo No._____/ Dated 03.01.2024

Copy of this order be sent to the Ld. J.M., 1st Court, Bolpur, Birbhum and I.O. of this case for information and necessary compliance.

Judge, Special Court under
NDPS Act, 1st Court, Suri.