

C. Case No.02/2023
CNR NO : WBBB01-000400-2023
J.O. CODE : WB 00702

Order No.11
22.06.2023

This day is fixed for production of accused persons, namely Asikul Islam, Sk Tamijuddin, Gurbindar Singh, Pravat Koai, Sarukh Ansari and Chandan Deep Singh. All the 6 accused persons are produced from JC before this Court as ordered. They be remanded to JC till 05.07.2023.

One bail petition has been filed by the Ld. Advocate for the accused Chandan Deep Singh, Gurubindar Singh and Pravat Konai and other 2 separate bail applications has been filed on behalf of accused Sk Tajimuddijn, Asikul Islam and Sarukh Ansari.

Perused the bail petitions filed on behalf of accused Chandan Deep Singh, Gurubindar Singh and Pravat Konai along with CD and materials on record.

Heard Ld. Advocate for the accused persons and Ld. P.P. in-charge.

Ld. Advocate for the accused persons has submitted that the above named accused persons have been detained in the custody for a prolonged period i.e. from 27.01.2023. He again submitted that the above named accused persons have been falsely implication and no incriminating material has been recovered from the exclusive possession of the accused persons at the time of alleged search and

seizure. Ld. Advocate further submitted that the investigating agency has proceeded a lot to complete the investigation and as such there is no reasonable ground to incarcerate the accused behind the bar and accordingly prayed for releasing the accused persons on bail by imposing any condition upon them.

Ld. Advocate appearing on behalf of accuse Sarukh Ansar submitted that the accused had no nexus with the alleged labelled against him. He also submitted that the said accused is not FIR named but subsequently his name has been transpired in the CD only for possessing a mobile phone and he straneously submitted that the accused has been detained behind the bar for a long period i.e. from 28.01.2023 and finally submitted that when the accused did not play any role as regards to the alleged incident so he cannot be detained behind the bar for a prolonged period and accordingly prays for releasing the accused on bail.

On the other hand Ld. P.P. in-charge raised strong objection against the accused so made by the accused persons. He candidly submitted that the investigation is still going on and the CD also reflects the same. He again submitted that all the accused persons were involved in this heinous crime and so far as the accused Sarukh Ansari is concerned he abetted the said offence and as such the said accused also cannot be released at this stage. Ld. P.P. in-charge further contended a huge quantity of contraband (ganja) had been recovered from the possession of the accused person which would definitely falls in the category of commercial quantity. He finally submitted that the at this crucial stage of investigation if the accused persons above named be released on bail the prosecution case would be jeopardized and accordingly prayed for rejection of the bail prayers.

Having heard the submission of Ld. Defence counsel and Ld. P.P. in-charge and on perusal of the entire materials on record it reveals that there are several bail petitions which have been rejected by this Court on numerous occasions.

In this context, I want to add further that this is a case where there is sufficient incriminating evidence which prima facie established the involvement of the accused persons in this crime. The matter is under investigation. It is a fact that the investigation has been fairly proceeded. I am not inclined to express any opinion as regards to the merits and demerits of this case at this stage. Suffice to say that the investigation has to go a long way and sufficient time is required for the investigating agency to complete the investigation.

In view of the above circumstances having have had regard to the quantity of the contraband article so involved in this case, I am of the considered view that the bail application deserves no merit at this stage to get success.

Hence, bail prayer stands rejected.

To 05.07.2023 for production of the accused persons and I.O.'s report.

Returned C.D.

Call for C.D.

Dictated & corrected

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