

C. Case No. 02 of 2023 (Reg No. 02 of 2023)
(CNR-WBBB01-000400-2023)
JO CODE WB00625

Order No 64
dated 15.05.2026

The convicts namely, Asikul Islam, Sk. Tamijuddin, Gurbinder Singh and Chandan Deep Singh are produced before the Court from judicial custody at 11:00 a.m. Heard the convicts on the question of sentence. Considered.

The convict namely, Gurbindar Singh submits that the police arrested him prior to the date of incident and confined him and subsequently police started this false case against him. He is innocent person. He has wife and children in his house. He prays for awarding him lesser punishment. The convict namely, Chandan Deep Singh submits that he has his mother and wife in his house and he is looking after his family. He prays for mercy and for awarding him lesser punishment. The convict namely, Sk Tamijuddin submits that he is innocent. Police arrested him from his residence and has falsely implicated him in this case. He prays for awarding him lesser punishment. The convict namely, Asikul Islam submits that he is innocent. Police has falsely implicated him in this case. He prays for awarding lesser punishment.

According to Section 20 of the N.D.P.S. Act 1985, the punishment for commission of an offence under Section 20(b)(ii)(C) is rigorous imprisonment for a term which shall not be less than 10 years but which may extend to 20 years and with fine which shall not be less than 1 lakh rupees but which may extend to 2 lakhs rupees. The court may for reasons to be recorded in the judgment impose a fine exceeding 2 lakhs rupees.

Section 29 in The Narcotic Drugs And Psychotropic Substances Act, 1985 provides punishment for abetment and criminal conspiracy. Sub section(1) of Section 29 of NDPS Act,1985 lays down whoever abets, or is a party to a criminal conspiracy to commit an offence punishable under this Chapter, shall, whether such offence be or be not committed in consequence of such abetment or in pursuance of such criminal conspiracy, and notwithstanding anything contained in section 116 of the Indian Penal Code (45 of 1860), be punishable with the punishment provided for the offence.

All the convicts are above 21 years of age. Having regarding to the nature of offence and facts and circumstances of the case, I do not think it

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Contd..Order No 64
dated 15.05.2026

expedient to release the convicts on probation of good conduct as per provisions of Section 4 of the Probation of Offenders Act, 1958 instead of sentencing them for commission of such serious offence.

It has been proved that the convicts were found in possession of huge quantity of 'Ganja' (6 quintals 15 kgs and 350 grams of Ganja) and they were transporting the same by a truck. In my opinion the Court should not show mercy to the persons who are illegally transporting, dealing with and selling Narcotic Drugs to the youth of our society and ruin their future permanently. They should be punished adequately and severely. Maximum punishment provided by law for the offence, which the convicts have committed, should be awarded to them. I do not find any reason to show mercy to the convicts or to award them lesser punishment.

Accordingly, it is,

ORDERED

that the convicts namely, Asikul Islam, Sk. Tamijuddin, Gurbinder Singh and Chandan Deep Singh are sentenced under Section 258(2) of Bharatiya Nagarik Suraksha Sanhita, 2023. They are sentenced to suffer rigorous imprisonment for 20 years each and also to pay fine of Rs.2,00,000/- (Rupees two lakhs) each and in default of payment of fine, the convicts will suffer further simple imprisonment for six months for commission of the offences punishable under Section 20(b)(ii) (C)/29 of the N.D.P.S. Act 1985.

The period of detention undergone by the convicts during investigation, enquiry or trial be set off against the term of their imprisonment under Section 468 of B.N.S.S.,2023.

After the period of appeal, a separate proceeding under Section 60(3)/63 of N.D.P.S. Act will be started regarding confiscation of seized truck.

The seized mobile phones of the four convicts will be confiscated to the State after the period of appeal.

The seized mobile phones of Sarukh Ansari and Provat Konai be returned to them after the period of appeal.

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Contd..Order No 64
dated 15.05.2026

The Officer-In-Charge of Sainthia P.S. is directed to destroy the seized 'Ganja' as per provisions of Section 52A of N.D.P.S. Act, 1985 through 'Drug Disposal Committee', Birbhum, if the same is not destroyed till now.

The convicts have been informed by this Court that appeal lies before the Hon'ble High Court, Calcutta against this judgment and order passed by this Court and they can file appeal through District Legal Services Authority, Birbhum, Suri.

Let a copy of this judgment and order be supplied to all four convicts free of cost.

Let a copy of this judgment be forwarded to the District Magistrate, Birbhum and to the Officer-In-Charge of Sainthia P.S. for information.

Dictated & corrected by me

Judge, Special Court under
NDPS Act, Birbhum

Judge, Special Court under
NDPS Act, Birbhum.

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After passing of the above order, a bail petition is filed on behalf of four convicts. Perused the bail petition. Heard both sides. The convicts have been sentenced to suffer rigorous imprisonment for 20 years each with fine of Rs. 2,00,000/- each i.d. to suffer S.I. for six months.

Considering the nature and gravity of the offence committed by the convicts, I am not inclined to grant them bail. Hence, prayer for bail is rejected.

Four separate petitions have been filed on behalf of four convicts praying for an order for supply them certified copies of the following documents free of cost: -

1. Certificate copy of judgment, 2. Certified copy of last order, 3. Certified copy of formal charge, 4. Certified copy of deposition of all PWs. 5. Certified copy of examination of the convicts u/s 313 Cr.P.C, 6. Certified copy of all exhibited documents.

Ld. Lawyer for the convicts submits that as per Section 404 of B.N.S.S 2023, the convicts are entitled to get certified copies of the above mentioned documents. He further submitted that the convicts have no source of income since last three years as they were in jail; that they have no financial capacity to pay for certified copy; that without those documents they will not able to file appeal. On those special reasons, he prays for passing order to supply certified copies of those documents.

Considered. The copy and judgment and order has already been supplied to the convicts. The prayer of the convicts for getting certified copies of those documents, free of cost, is allowed.

Ld. Special P.P. also files a petition praying for getting certified copy of the judgment and order passed by the Court in this case, free of cost. Heard. Prayer is allowed.

H.C.C. Copying Department, Civil Section, Suri, Birbhum is directed to prepare certified copies of the documents as prayed for by the convicts. He is also directed to prepare certified copy of the judgment and the order for the prosecution.

C. Case No. 02 of 2023 (Reg No. 02 of 2023)
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Let a copy of this order be sent to the H.C.C. Copying Department, Civil Section, Suri, Birbhum for his information and taking necessary action.

Dictated & corrected by me

Judge, Special Court under
NDPS Act, Birbhum

Judge, Special Court under
NDPS Act, Birbhum.