

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

Order No.12

05.07.2023

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 19.07.2023.

Five separate bail petitions have been filed by the Ld. Advocates appearing on behalf of Sk Tamijuddin, Asikul Islam, Sarukh Ansari Pravat Konai, Chandan Deep Singh and Gurbindar Singh.

Perused the bail petitions filed on behalf of above named accused persons. I have also rummaged through the along with CD and materials on record.

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

Ld. Advocates for the accused persons have moved the bail petitions and also prayed for enlarging the above named accused persons on bail on the ground stated in their petitions. Ld. Advocates appearing on behalf of Sarukh Ansar submitted that the said accused had been apprehended by the police after 2 days from the date of alleged incident and nothing had been recovered from him except the mobile phone and specifically submitted that there is no nexus in between the said accused and the alleged incident and accordingly prayed for releasing him on bail by imposing any condition upon him.

Ld. Advocate appearing on behalf of accuse Chandan Deep Singh and Gurbindar Singh submitted that there was a fake recovery of the alleged contraband substance for which the entire prosecution case has been made out. Ld. Advocate clearly submitted that the accused persons have been falsely implicated in this case and after taking the remand nothing had been recovered from their possession as regards the offence labelled against them.

Ld. Advocate appearing on behalf of accuse Sk Tamijuddin submitted in the same tune that the fake recovery had been made from the possession of the accused and no contraband article had

been recovered from his possession during the police custody. Ld. Advocate also submitted that the accused person above named has been languishing custody for 5 months 8 days and further contended that the investigation has already been completed and if the accused be released on bail the prosecution case will not be prejudiced.

Ld. Advocate appearing on behalf of Provat Konai candidly submitted that since 30.01.2023 the accused had been detained behind the bar without sufficient reason and purely on the basis of suspicion the accused was apprehended by the police and no contended substance had been recovered from him except one mobile phone. He clearly submitted that the investigation had been conducted by the investigating agency for a prolonged period and no further necessity for detention of the accused at this stage and accordingly prays for releasing him on bail on imposing any condition upon him.

Having heard the submission of Ld. Advocates of the accused persons and Ld. P.P. in-charge and perusal of the record I find it is very pertinent to mention here that since 27.01.2023 several bail petitions have been filed by the Ld. Advocates on behalf of the accused persons and the same stands rejected by this Court. Not only that on 22.06.2023 this Court was pleased to reject the bail prayers of the accused persons by passing a detailed order and the operative portion of the said order is as follows :

“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”.

In the back drop of submission so made and the materials so available on record and in the CD, I am of the opinion that with the quantity so involved i.e.(615 Kgs 350 gms of ganja) and the terminus which the investigation is, the accused persons do not deserve the opportunity of liberty. Arbitration so made herein above, It calls for rejection of the bail prayers.

To date i.e. 19.07.2023 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.