

C. Case No. 04/2023
CNR NO : WBBB01-004346-2023
J.O. CODE : WB 00702

Order No.3,

29.03.2023

This day is fixed for production of accused person namely Hameli Khatun from JC and production of the accused, Saheb Sk from police custody (PC). The accused Saheb Sk has been produced from police custody.

He be taken into custody and remanded to J.C. till 12.04.2023.

So, far the accused Hameli Khatun is concerned she has been produced from JC and she be remanded to J.C. till 12.04.2023.

One bail petition filed by the Ld. Advocate on behalf of accused Saheb Sk. Ld. Advocate moves the bail petition and prays for releasing the accused 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 accused person has been detained for a considerable period of 8 days in the police custody but nothing has been recovered during such police custody of the accused and accordingly, prayed for releasing him on bail by imposing any condition upon him.

Ld. P.P.-in-Charge raised strong objection against the bail prayer and also submitted that the argument advanced by the Ld. Defence Counsel will be considered not at this stage but at the time of trial and accordingly, prays for its rejection.

Perused the bail petition, the record along with the C.D.

Having heard the rival submissions of the Ld. Advocates of both sides and on perusal of record (Memo of evidence) and C.D. as placed before me, at this stage it reveals that the alleged offence against the accused person is grave in nature. The quantity of article seized as alleged, falls in the category of commercial quantity. I also find sufficient force in the submission of the Ld. P.P in-Charge that the argument advanced by the Ld. Defence counsel will be considered at the stage of trial and not at this stage.

So, I am of the opinion that the accused does not deserve to get any latitude of liberty at this stage.

Hence the bail prayer stands rejected.

To 12.04.2023 for production of the accused persons and I.O's report.

Return the C.D.

Dictated & corrected

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

