

Order No.-02

18.08.2020

The record is put up at the instance of two petitions filed by Ashok Kumar Saha, S.I. of Police of Labpur PS ; one petition praying for issuance of production warrant against accused Md. Jarjis Mallick @ Dulal, who is now in J.C. in connection with Labpur PS Case No.120/19 dated 4.7.2019 u/s 286/427 of I.P.C. and U/Sec.3/4 E.S. Act & U/Sec.9 MPO Act, as he is one of the accused person of this case and huge quantity of codeine mixture was recovered from his possession ; and in another petition I.O. prays for necessary order for inventory of the seized contraband substance u/s 52A(2) of NDPS Act.

Ld. P.P. in-charge is present. I.O. is also present.

Perused the case record and the petitions.

It appears from the written complaint that the accused Md. Jarjis Mallick @ Dulal was arrested in connection with Labpur PS Case No.120/19 dated 4.7.2019 u/s 286/427 of I.P.C. and U/Sec.3/4 E.S. Act & U/Sec.9 MPO Act and he was in P.C. of that case and during P.C. the accused confessed that he along with another two accused persons, namely, Md. Kadiruz Zaman @ Lotus & Md. Kamrujjaman @ Tusar were engaged in illegal business of codeine mixture and huge quantity of contraband substance was recovered.

Considering the facts and circumstances of the case and the nature of gravity of the offence, prayer for production warrant against the accused Md. Jarjis Mallick @ Dulal is allowed.

Let the P.W. be issued against the accused at once.

Superintendent of Bolpur Sub-Correctional Home is directed to produce the accused Md. Jarjis Mallick @ Dulal before this court on 28.08.2020.

To date for production and report of I.O.

Let a copy of this order be sent to the Superintendent of Sub-Correctional Home, Bolpur for information and necessary action. Inform I.O. also.

Dictated & corrected

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

C. Case No.45 of 2020

Later Order
18.08.2020

A petition under Section 52(2)A of the N.D.P.S. Act filed by the I.O., namely, S.I. Ashok Kumar Saha of Labpur PS praying for passing necessary order in respect of certification of correctness of inventory, photographs and sample of seized Narcotic drug and Psychotropic substances seized in connection with Labpur PS Case No. 106/2020 dated 12.08.2020 u/s-21(c)/29 of N.D.P.S. Act.

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

On perusal of the petition as well as record, it appears that the seized contraband articles like codeine mixture has been recovered at the instance of the accused person. It has been prayed before this court to pass necessary order for certification of the correctness of the said seized mother articles as per inventory by the Judicial Magistrate and or disposal of the said mother articles after certification by the Judicial Magistrate. Considered the legal provisions contained u/s 52A of the N.D.P.S. Act.

In the interest of investigation and in the interest of compliance of the direction contained u/s 52A of the N.D.P.S. Act regarding disposal of the seized Narcotic Drugs and Psychotropic substances, the prayer of the I.O. is hereby allowed subject to receipt of the chemical examination report in respect of the seized contraband substances of this case.

Accordingly, Ld. J.M. 1st Court, Bolpur, Birbhum is requested to do necessary for the purpose of compliance of the provisions incorporated u/s 52A 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 and to make an inventory of the articles in accordance with law.

Let a copy of this order be supplied to the I.O. for information and taking necessary action. Let a copy of this order be sent to the Ld. J.M. 1st Court, Bolpur, Birbhum for information and necessary compliance.

To date (28.08.2020).

Dictated & corrected

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

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

