

**IN THE COURT OF THE JUDGE, SPECIAL COURT UNDER N.D.P.S. ACT
1ST COURT, SURI, BIRBHUM.**

**C. Case No. 4/2024
CNR- WBBB01-001724-2024
JO-WB00703**

Arising out of Suri PS Case No. 242 of 2024 dated 09.05.2024 U/s-21(C)/25/29 of N.D.P.S. Act,1985.

Order No. & Date
01/ 10.05.2024

Received the formal FIR in respect of Suri PS Case No. 242 of 2024 dated 09.05.2024 U/s-21(C)/25/29 of N.D.P.S. Act,1985 filled up and signed by Shamim Khan, S.I. of Police, Suri PS, Complaint petition submitted by Asif Reazwan, S.I of Police, Suri PS, Accused challan, Forwarding report, seizure list, Inspection Memo, Arrest-cum-personal search memo of accused persons, namely, Anod Yadav and Md. Ikwat, PC prayer for accused persons for 07 days forwarded and recommended by superior officer, Dy. S.P.(D & T), Birbhum and application u/s 52 A (2) of N.D.P.S. Act,1985.

Seen. Let it be kept with the record.

Accused persons, namely, Anod Yadav and Md. Ikwat are taken into custody.

I.O. namely, Tubai Bhowmick, S.I of Police, Suri PS is present with C.D.

The PC prayer is taken up for hearing.

Ld. Advocate, Golam Minhazuddin for accused persons, namely, Anod Yadav and Md. Ikwat files a bail petition along with vokalatnama. Let it be kept with the record.

I.O. prays for 07 days P.C. on the ground of having scope for further recovery of contraband articles and arrest of other co-accused.

Ld. Special P.P. for the prosecution and Ld. Defence counsel for the accused are present.

The PC prayer is taken up for hearing.

P.C. prayer files by the I.O is found properly forwarded and recommended by the Superior Officer.

Heard the Ld. Special P.P for the prosecution and Ld. Advocate for the defence.

Perused the prayer , C.D. along with other materials on record.

Ld. Special P.P for the prosecution in support of P.C. prayer submits that there is every possibility of other recovery of contraband articles, thus P.C prayer of the accused persons may be allowed for proper investigation of this case.

Ld. Advocate for the accused persons opposes the submission of the prosecution and submits that the statement made by the accused before the I.O is not admissible. Ld. Advocate for the defence also submits that accused persons are innocent and falsely implicated in this case and thus they may release on bail on any condition and accordingly prays for rejection of PC prayer.

This is a case where a huge quantum of codeine phosphate syrup (PHENSEDYL SYRUP) has been recovered from the possession of the accused persons. Perused the statement of the accused persons recorded by the I.O during arrest which reveals that there is every possibility of recovery of further contraband articles, if the accused persons be sent to the police custody and also there is fair chance of apprehension of the other co-accused persons. The investigation is in initial stage and for proper investigation of this case and scope of recovery of other contraband articles and arrest of co-accused persons, I find justification to allow the P.C. prayer of the I.O for 05 days.

On query the accused persons submit separately that they have no external wound /injury on their persons.

In this context, I would like to mention that the concerned I.O. should not inflict any physical or mental torture upon the accused persons during said police remand.

He is further directed to follow the direction & guidelines as observed by the Hon'ble Apex Court on 01.08.1997 keeping in mind the letter & spirit of the said observation.

In the above circumstances, bail prayer of the accused persons, namely, accused persons, namely, Anod Yadav and Md. Ikwai made by the defence counsel is considered and rejected.

Let the accused persons be produced before this Court on 15.05.2024 positively.

Let a copy of this order be handed over to the I.O. for information and compliance.

Dictated & corrected by me.

Judge, Special Court under
NDPS Act, 1st Court, Suri
In-charge.

Judge, Special Court under
NDPS Act, 1st Court, Suri.
In-charge.

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02/ 10.05.2024

A petition under Section 52(2)A of the N.D.P.S. Act has also filed by the I.O., namely, Tubai Bhowmick, S.I. of Suri PS praying for passing necessary order in respect of certification of correctness of inventory, photographs and sample of seized Narcotic drug and Narcotic substances as seized in connection with Suri PS Case No. 242 of 2024 dated 09.05.2024 U/s-21(C)/25/29 of N.D.P.S. Act,1985.

On perusal of the petition and record, it appears that the seized contraband articles like Codeine mixture weighing Total 15000 bottles (100 ml each) has been recovered from the possession of the accused persons and inventory list was duly prepared by the IO. Therefore, the prayer of the IO made u/s 52 A (2) of the NDPS Act is considered and allowed.

The Ld. J.M., 1st Court, Suri Birbhum is requested to do necessary for the purpose of compliance of the provisions incorporated u/s 52A (2) 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, Suri, Birbhum for compliance.

Let a copy of this order be sent to the Ld. J.M., 1st Court, Suri, Birbhum for information and necessary compliance.

Let another copy of this order be supplied to the I.O. for information and taking necessary action.

To date (15.05.2024)

Dictated & corrected by me.

Judge, Special Court under
NDPS Act, 1st Court, Suri
In-charge.

Judge, Special Court under
NDPS Act, 1st Court, Suri.
In-charge.