

C. Case No.02/2023
CNR NO : WBBB01-000400-2023
J.O. CODE : WB 00052

Order No.01
27.0.1.2023

Received 04 accused persons challans namely Asikul Islam, Sk Tamijuddin, Gurbindar Singh and Chandan Deep Singh; forwarding report of Abu Akher, S.I. of police of Sainthia P.S.; Formal FIR in connection with Sainthia P.S. case no.20/2023 dt.26.01.2023 u/s 20(b)(ii)C/25/29 of NDPS Act, 1985 filled up by Ashoke Sinha Mahapatra, O/C Sainthia P.S.; written complaint containing 06 pages submitted by one Palas Kr. Dutta, S.I. of police of Sainthia P.S.; seizure list containing 03 pages; inventory list; specimen metal sheet; 04 copies of arrest-cum-inspection memo of above noted accused persons and an application u/s 52A(2) of NDPS Act, 1985 and an application for P.C. remand of 04 accused persons for 14 days forwarded by senior officer namely O/C Sainthia P.S., Circle Inspector of Police Suri Sadar-A and DSP & DNT, Suri, Birbhum, praying for certification of correctness of inventory, figures & sample of seized articles of Narcotic Drugs Psychotropic Substance, controlled substance and Conveyances.

The above 04 accused persons are brought before this court under arrest.

Seen.

Cognizance is taken.

Ld.advocate, Mr. Somenath Mukherjee, filed vokalatnama for 04 accused persons namely Asikul Islam, Sk Tamijuddin, Gurbindar Singh and Chandan Deep Singh, executed by them, along with a petition for bail. Let it be kept with the record.

Md. Jahiruddin, Ld.advocate also files vokalatnama, executed by 03 accused persons namely Asikul Islam, Gurbindar Singh and Chandan Deep Singh. Let it be kept with the record.

Ld.PP-in-charge for the prosecution and Ld.advocates for the defence are present. I.O. namely Abu Akher, S.I. of police, is also present along with C.D.

PC prayer of the accused persons for 14 days is taken up for hearing which is duly forwarded by superior police officer.

Heard Ld.PP-in-charge, Ld. Defence counsels, I.O. and the accused persons in the open court.

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C. Case No.02/2023

Order no.1(Contd.....)

Perused the materials on record and CD including statements of the accused persons, recorded by IO.

In support of the PC prayer Ld.PP-in-charge for the prosecution submits that the accused persons made statements to the I.O. that they will help the I.O. if they will get charge, they will help the IO to identify the place wherefrom they collected seized ganja, assist to nap the other accused persons who are involved in dealing with the illicit business of ganja and other recovery of further ganja and thus, he prays for allowing P.C. of the accused persons for the interest of investigation of this case.

Ld.defence counsels oppose the submission of their counterpart and submit that the accused persons did not make any statements, rather I.O. prepared the statements in the name of the accused persons stating false statement that they will help him to recover further contraband articles and to assist him to nap other co-accused persons and also to identify the place wherefrom they collected the alleged seized ganja. Therefore, they pray for rejection of P.C. prayer of the IO. On the other hand according to them, the accused persons are falsely implicated in this case and there shall be no recovery of ganja from their person. Thus, they will be released on bail on any condition.

Having regard to the submission as advanced by the Ld.PP-in-charge for the prosecution and defence counsels as discussed above and after going through the materials on CD and the statements of the accused persons, I find that there is every chance of recover of further ganja and identifying the place wherefrom the accused persons collected the seized ganja and also to nap the other co-accused persons if the accused persons be handed over to the I.O. for helping further investigation. Therefore, I find justification to allow the P.C. prayer as made by the I.O. for 14 days.

Accordingly P.C. prayer for 14 days is considered and allowed.

The accused persons are handed over to the custody of IO for 14 days and after completion of PC period they will be produced before this court.

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Order no.1(Contd.....)

The IO is directed not to torture the accused persons during P.C. period and also comply the dictum of the Hon'ble Apex Court during PC period.

In view of the aforesaid discussion and since P.C. prayer is allowed and considering the gravity of the offence, the bail prayer for the accused persons is considered and rejected.

To 10.02.2023 for production of the accused persons from PC along with C.D.

Dictated & corrected

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

later
27.01.2023

A petition under Section 52(2)A of the N.D.P.S. Act filed by the I.O., namely, S.I. Abu Akher of Suri 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 Sainthia PS Case No.20/2023 dt.26.01.2023 u/s u/s 20(b)(ii)C/25/29 of NDPS Act, 1985

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 ganja has been recovered at the instance of the accused persons. It has been prayed before this court to pass necessary order for certification of the correctness of the said seized articles as per inventory by the Judicial Magistrate and or disposal of the said 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, Suri, 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, Suri, 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, Suri, Birbhum for information and necessary compliance.

To date (10.02.2023).

Dictated & corrected

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

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