

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

**C. Case No. 12/2024
CNR- WBBB01-003536-2024
JO-WB00837**

Order No. & Date
02/ 03.10.2024

Today is fixed for production of the accused persons and hearing regarding P.C.prayer and petition regarding inventory.

Accused persons, namely,Ram Poddar, Mala Pasowan and Asha Swarnakar are produced from J/C.

I.O. namely, Rakesh Tamang , S.I of Police, Bolpur PS is present with C.D.

Ld. Advocate, appearing on behalf of the accused persons files a bail petition.

The PC prayer is taken up for hearing.

I.O. prays for 5 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. and Ld. Defence counsel for the accused persons are present.

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

Heard the Ld. P.P in charge for the prosecution and Ld. Advocate for the defence.

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

Ld. Special P.P. 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 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 Ganja (contraband articles) 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 members of the racket. 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 04 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, is considered and rejected.

Let the accused persons be produced before this Court on 07.10.2024 positively.

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

Let another copy be sent to the Superintendent , Suri District Correctional Home for information.

Dictated & corrected by me.

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

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

C. Case No. 12/2024
CNR- WBBB01-003536-2024
JO-WB00837

Order No. & Date
03/ 03.10.2024

A petition under Section 52(2)A of the N.D.P.S. Act has also filed by the I.O., namely, Rakesh Tamang S.I. of Bolpur 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 Bolpur PS Case No. 399 of 2024 dated 01.10.2024 U/s-20(b)(ii)(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 Ganja weighing 65 Kgs 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, Bolpur, 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, Bolpur, Birbhum for compliance.

Let a copy of this order be sent to the Ld. J.M., 1st Court, Bolpur, 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 (07.10.2024)

Dictated & corrected by me.

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

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

