

Special Case No. 50 of 2018

Order No. 46

04.12.2024

Today, the case is fixed for production of the accused person and consideration of charge.

Accused Soumen Saha is produced from the Correctional Home. He is remanded again to Correctional Home till 13.01.2025. To date for production.

Ld. P.P.-in-Charge is also present.

The case-record is taken up for consideration of charge.

Heard both sides. Perused the materials on record and the C.D. Considered.

On perusal of the case-diary, materials available on record and considering the submissions advanced by Ld. Counsels of both sides on the point of charge, prima facie, it appears to this Court that there are sufficient grounds to presume that the accused person has committed the offences punishable under Section 20(b)(ii)(C) of the N.D.P.S. Act, 1985. Hence, the charge under Section 20(b)(ii)(C)/29 of the NDPS Act, 1985 is framed against the accused person in a separate sheet which is kept with the record.

The contents of the charge are read over and explained to the accused person of this case and he is asked whether he pleads guilty or not. The accused person pleads 'not guilty' and claims to be tried.

Fix 13.01.2025 for production of the accused person and evidence of CSW No. 1.

Issue summons upon the above C.S. witness accordingly.

Prosecution is directed to ensure production of the witness on the aforesaid dates fixed for trial.

Dictated & Corrected by me.

Judge, 3rd Special Court (NDPS Act),
Burdwan

Judge, 3rd Special Court (NDPS Act),
Burdwan

Special Case No. 50/2018

Order No. 46 (Later)
04.12.2024

Today, a bail-petition filed on behalf of accused on 26.11.2024 is fixed for hearing.

Ld. Lawyer for the accused and Ld. PP-in-Charge are present.

The bail-petition filed on behalf of accused Soumen Saha is taken up for hearing.

Heard both sides. Perused the bail-petition and record. Considered.

Ld. Lawyer for the accused submits that previously, the accused was enlarged on bail but subsequently, W/A was issued against him and he is in custody since 25.10.2024. He submits that the accused shall appear before the court on every date and he will not jump the bail again. He prays for bail of the accused on any condition.

Ld. PP-in-Charge left the grant of bail to the discretion of court.

It transpires from the record that on 27.02.2019, the accused was enlarged on bail. It further transpires from the record that on 15.07.2022, W/A was issued against him and the case was filed for the present against him on 31.01.2024. It further transpires from the record that the accused was brought under arrest on the strength of W/A before the Ld. CJM, Purba Bardhaman on 04.11.2024. The accused is in custody since then. Charge has been framed against this accused this day. Since the accused was previously on bail, I am inclined to allow his prayer for bail.

Hence, prayer for bail of the accused is allowed.

Accused Soumen Saha may find bail of Rs. 10,000/- with two sureties of Rs. 5,000/- each, one of whom must be local, subject to satisfaction of Ld. CJM, Burdwan, on condition that he shall appear before this court on each and every date until further order, i.d. to Correctional Home.

If on bail, to date, i.e. 13.01.2025 for appearance and evidence.

Dictated & Corrected by me.

Judge, 3rd Special Court (NDPS Act),
Burdwan

Judge, 3rd Special Court (NDPS Act),
Burdwan