

In the Court of Additional Sessions Judge, 1st Court, Bankura
cum Judge Special Court under the NDPS Act
N D P S Case No: 11 of 2021/
Registration No: 11/2021
CNR No. WBBK01-001347-2021

Order No: 11

Dated: 01-10-2021

Today, is fixed for hearing of the bail petition dated on 27.09.2021 filed on behalf of the accused person Biren Kar.

The bail petition is taken up for hearing.

Ld. Advocate for the accused person and Ld. P.P are present.

Ld. Advocate for the accused person moves the petition for bail and he has drawn the attention of the court towards the F.I.R from which it is found that the accused Biren Kar had already been arrested on 28.07.2021 by Coke Oven P.S(ADPC) in connection with Coke Oven P.S Case No. 125 of 2021 dated 28.07.2021 u/s 20(b)(II)(B) of the NDPS Act and the instant case was initiated on 05.08.2021 while the accused was in custody. Thus, it is apparent that the accused has been falsely implicated in this case. Moreover, no document could be produced from the side of the prosecution to show that that the present accused Biren Kar was the owner of the seized vehicle. On the aforesaid grounds, Ld. Advocate has prayed for release of the accused person on bail.

Ld. P.P in-charge has raised objection in granting bail of the accused person on the ground that the name of the accused person is transpiring in the F.I.R with an allegation that the other accused persons used the seized vehicle i.e. motor cycle to carry and sale ganja since long. Moreover, the present accused is one of the members of the racket.

In view of the prima facie evidence and materials having been transpires in the F.I.R and other materials on record and also considering the submission of the Ld. Advocates for the both sides, I am not inclined to enlarge the accused person on bail at this stage. Hence, the bail prayer of the accused Bire Kar stands rejected.

Three separate bail petitions are filed on behalf of the accused persons, namely, Seikh Adil, Seikh Rasid and Lakshmikanta Gorai.

The bail petitions are taken up for hearing.

Ld. Advocates for the accused persons move the petitions for bail and submit for release of the accused persons on the grounds of their innocence. Ld. Advocates further submit that the seizure list does not reflect as to from

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whom out of three accused persons the suspected ganja was seized. Moreover, the seized article is less than commercial quantity.

Ld. P.P in-charge has raised objection in granting bail of the accused persons on the ground that the accused persons are members of a racket and therefore, the seized articles are said to be in joint possession of all the accused persons and so, all the members of the racket have joint liability. The investigation is going on.

In view of the materials on record and C.D, nature and gravity of the offence and also considering the submission of the Ld. Advocates for the both sides, I am not inclined to enlarge the accused persons on bail at this stage. Hence, prayer for bail stands rejected.

Fix 08.11.2021 for production (ensuing Puja Vacation).

Dictated and corrected.

Sd/-
Addl. Sessions Judge,
1st Court, Bankura.

Sd/-
Additional Sessions Judge,
1st Court, Bankura cum
(Special Court)under NDPS Act
Bankura