

NDPS Case No. 3 of 2025

Order No. 13
Dated 11.04.2025

Today is fixed for production of all the accused persons, hearing of two bail petitions & I.O.'s report.

Accused Jasim Miah, Mostafa Miah, Majidul Miah, Rashidul Haque, Majnu Miah and Nurjamal Miah are produced from J.C. through V.C. and remanded to further J/C till next date.

No bail petition is filed today on behalf of two accused persons Rashidul Haque and Nurjamal Miah.

Now the case record is taken up for hearing of the two bail petitions filed on 09.04.2025 on behalf of accused Jasim Miah, Mostafa Miah, Majidul Miah and Majnu Miah.

Ld. PP in charge and Ld. Advocates for the accused persons are present.

CD is produced.

It is submitted by the Ld. Advocate for the accused that they have been falsely implicated in this case and have permanent residence in the locality and they will not abscond if granted bail in their favour. Ld. Advocate for the accused Jasim Mia further submits that wife of accused Jasim Mia is suffering from cancer and is in last stage that So, they may be granted bail specially in respect of accused Jasim Mia in any terms and conditions. In support of his submission Ld. Advocate submits photocopy of medical treatment of the wife of the accused Jasim Mia.

Ld. PP in charge opposes the bail prayer considering the nature of the offence related to commercial quantity when there is a restriction of granting bail u/s 37 of The NDPS Act and the investigation is in progress.

Having heard the submission of both sides and on perusal of the case record, I find this is a case u/s 20(b)(ii)(C)/29 of the NDPS Act as sufficient quantity of ganja has been allegedly recovered from the possession of the accused persons which is commercial quantity in nature for which no such benefit could have been extended to them in view of section 37 of NDPS Act in this regard. Apart from that there are sufficient incriminating materials against the accused persons and the investigation is going on. Therefore, the contention of Ld. Advocate for accused Jasim Miah for releasing him on bail on the ground of illness of wife of the accused is not acceptable but he may apply in accordance with law. Therefore the bail prayer of the above accused persons may not be allowed.

Under the above circumstances and considering the grievous nature of offence, I am not inclined to enlarge accused on bail. Hence prayer for bail in respect of accused Jasim Miah, Mostafa Miah, Majidul Miah and Majnu Miah stands rejected.

Both the bail petitions dated 09.04.2025 are hereby disposed of.

CD be returned.

To 25.04.2025 for production of all the accused persons & I.O.'s report.

Dictated & Corrected by,

Addl. Sessions Judge, 1st Court,
(NDPS) Cooch Behar.

Addl. Sessions Judge, 1st Court,
(NDPS) Cooch Behar.
JO Code No. WB00654