

Order No.4, dt.30.05.19

Accused Ajibul Mia and Rana Barman are produced from J.C. One bail application is filed on behalf of the accused Rana Barman. Another bail application along with fresh vocalatnama is filed on behalf of another accused Ajibul Mia.

Copies are served.

Heard both sides.

Considered.

On the first date of production, accused persons have raised allegation of false implication in this case and also physical torture by the public at rail gate, Cooch Behar. On the basis of such allegation, direction was given to the Vice Principal Cum Superintendent MJN Hospital, Cooch Behar for medical examination of the accused and report to that effect.

It appears that report is submitted by the Superintendent, Cooch Behar Correctional Home and two reports of Dr. Chiranjib Roy, Psychiatrist of Cooch Behar MJN Hospital is also submitted. On going through those reports it is vividly clear that accused persons were treated in hospital. Accused persons are in custody since 05.04.19. Allegation of recovery of total 6 kgs 370 gms of ganja against them is there. Total period of detention sustained by the accused is 54 days in today . By these time, investigation must have fairly proceeded. I also find there is no signature of any witness in the arrest memos of the accused persons. However, the seizure list bears signature of two constables as witness of the search and seizure. The seizure was held at Panthashala road at about 16:25 hours and non-availability of public witness is explained by the seizing officer in the letter of complaint by saying that none of the public witness voluntarily agreed to become witness. In the aforesaid circumstances, considering the period of detention of the accused persons in custody and the quantity of contraband allegedly involved in this case, I am inclined to allow the prayer for bail. Accused persons namely Ajibul Mia and Rana Barman may find bail on furnishing bond of Rs.10,000/- each with two sureties of Rs.5000/- each i.d. be sent to J.C till 14.06.19. If on bail, to-date for appearance.

Dictated & Corrected by,

Sd/-

Addl. Sess. Judge 1st Court,

Sd/-

Addl. Sess. Judge, 1st court,

Cooch Behar(NDPS).

**Cooch Behar(NDPS).
Dt. 30.05.19.**