

THE COURT OF ADDITIONAL SESSIONS JUDGE, 1st COURT(NDPS), SADAR,
COOCH BEHAR

NDPS Case No. 07 of 2025

CNR No. WBCB01-000068-2025

State

Vs

1. Arun Barman and 2. Mintu Barman

Ref : Sitai P.S. Case No. 06/2025 dated 05.01.2025

u/s 21(C)/29 of the NDPS Act and GDE Nos. 177 dated 04.01.2025

Present : Mukul Kumar Kundu

Additional Sessions Judge,

1st Court, (NDPS), Cooch Behar.

JO Code No. WB00654,

Order No. 1

dated 06.01.2025

Received Formal FIR, written complaint, two carbon copy of notice, seizure list dated 05.01.2025, two arrest-cum-inspection memos, medical documents, accused forwarding report etc from Sitai PS vide Sitai P.S. Case No. 06/2025 dated 05.01.2025 u/s 21(C)/29 of The NDPS Act. Let the case be registered as NDPS Case and the documents be kept with the record.

Accused 1. Arun Barman and 2. Mintu Barman are brought under arrest from Sitai PS in connection with above reference case who are taken into custody and remanded to J.C till 17.01.2025.

Ld. PP in charge and the Ld. Lawyer of the accused are present.

A bail petition along with vakalatnama is filed on behalf of the above accused persons praying for bail on the ground stated therein.

I.O. SI Chandra Nath Batabyal of Sitai PS, Cooch Behar appears and submits a prayer for authentication of the seized alamat and also submits another prayer for inventory of alamat in connection with this case u/s 52A of NDPS Act.

Heard and Considered.

The prayer for authentication of the seized alamat as sought for is allowed for the ends of investigation.

ORDER REGARDING BAIL PETITION

Now the bail petition filed today on behalf of the above accused **is** taken up for hearing.

Heard both sides.

Copy served.

Case diary is produced.

It is submitted by the Ld. Advocate for the above accused person that they have been been falsely implicated in this case and have no nexus with this case and have their respective permanent residence in the locality and if on bail they will not be absconded. So, they may be granted bail in any terms and conditions.

Ld. PP in charge oppose the bail prayer considering the nature of the offence where huge quantity of narcotic substances has been seized from the possession of the accused persons and the case is at initial stage of investigation.

NDPS Case No. 07 of 2025

Perused the materials on record and CD and heard the submissions.

Having heard the submission of both sides and on perusal of the case diary I find that altogether 50 bottles of Phensedyl Cough Syrup like substance (NDPS substance) have been seized which is commercial quantity and there are sufficient incriminating materials against them for the offence u/s 21(C)/29 of the NDPS Act. Moreover, the case is initial stage of investigation and therefore the bail prayer of the above accused persons may not be allowed.

Considering all aspects and nature of offence as well as early stage of investigation, I am not inclined to enlarge accused on bail. Hence prayer for bail in respect of accused Arun Barman and Mintu Barman stands rejected.

ORDER REGARDING INVENTORY

Now the record is taken up for consideration of prayer for inventory of alamat in connection with this case u/s 52A of NDPS Act.

Perused the prayer of I.O. for inventory and certification of seized articles.

The prayer of the I.O. as sought for is allowed in the interest of investigation.

Accordingly, I.O. Chandra Nath Batabyal of Sitai PS, Cooch Behar is directed to produce the seized articles after preparation of the inventory in connection with this case before the designated court i.e. Ld. Judicial Magistrate, 2nd Court, Dinhata, Cooch Behar for the purpose of certifying inventory list as per provision of section 52A of NDPS Act.

Ld. Judicial Magistrate shall certify the correctness of the inventory in respect of each of the packet of the articles with their respective weight separately in accordance with law prepared by I.O. and shall also certify the same which shall be considered as evidence for the purpose of trial.

Ld. Judicial Magistrate shall also prepare sample as arranged by the I.O. and certify the same as per the provision of section 52A of NDPS Act and accordingly, submit his/ her detail report of inventory and certification to this court along with photographs/ videography of the seized materials in accordance with law.

Let the case diary be returned to the I.O. at once.

To 17.01.2025 for production of accused from J.C. through V.C. and I.O.'s report.

Let a copy of this order be sent to the Ld. ACJM, 2nd Court, Dinhata, Cooch Behar and Ld. Judicial Magistrate, 2nd Court, Dinhata, Cooch Behar for their information and necessary action.

Let another copy of this order be handed over to the I.O. SI Chandra Nath Batabyal of Sitai PS, Cooch Behar for information and taken necessary action.

Dictated & Corrected by,

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

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