

NDPS Case No. 23 of 2026
(Arising out of Sahebganj PS Case No. 462/25 dated 10.08.2025)

Present : Sri Nirvan Khesong
Ld. District & Sessions Judge,
Cooch Behar
JO Code No. WB00662
In-Charge of
The Addl. Sessions Judge, 1st Court,
(NDPS) Cooch Behar.

Order No. 17
dated 19.03.2026

Record is put up today on the strength of a put up petition along with a petition filed on behalf of custody accused Najmul Hoque praying for bail on the ground stated therein.

Copy served.

Ld. PP in charge and Ld. Advocate for the accused person are present.

Now the bail petitions are taken up for hearing.

Heard both sides.

It is submitted by the Ld. Advocate for the accused Najmul Hoque that he has been falsely implicated in this case. Ld. Advocate further submits that the accused was not produced before the court within 24 hours after his arrest and as such police authority has violated Articles 21 and 22 of Constitution of India. In support of his submission he has cited decisions report in CRM (NDPS) 573 of 2025 and CRM (NDPS) 581 of 2025 dated 23.09.2025 passed by the Hon'ble High Court and Ld. Counsel prays for bail on any terms and conditions.

Ld. PP in charge strongly objected the prayer for bail on the ground that the charge-sheet has already been submitted in this case against the accused person and the seized contraband articles fall under the nature of commercial quantity which was seized from the possession of this accused person. He has further submitted that had there been any violation of Articles 21 and 22 of Constitution of India by the police authority, this petition should be filed at the very initial stage of production before the Court but the same has been filed raising the issue of illegal detention only after submission of charge-sheet. Therefore, he prays for rejection of the bail petition.

I have gone through the case record as well as decisions cited by the Ld. Defence Counsel.

On perusal of the case record I find that charge-sheet has already been submitted against the accused person u/s 21(C)/29 of The NDPS Act and there is seizure of commercial quantity of contraband articles from the possession of the accused person. I also find that the BSF personnel had apprehended this accused on 09.08.2025 at about 19:45 hours along with contraband articles and after completion of all the formalities of seizure, the accused was brought before the Sahebganj PS on 10.08.2025 at 14:59 hours and subsequently on 11.08.2025 he was produced before this court.

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It appears from the case record that the accused was apprehended at the border of Bangladesh and after performing all the legal formalities of seizure, the accused was produced at the Sahebganj PS on 10.08.2025 at 14:59 hours which is situated within the Dinhat Sub-Division and accordingly the Police produced the accused before the Court on 11.08.2025 i.e. within the reasonable period of time. Moreover, the accused should have raised the issue of illegal detention on the date of first production before the Court. However, the accused/ petitioner failed to raise any such issue of illegal detention at the initial stage of proceeding and he slept over the matter for a considerable period of time and he has raised the issue of illegal detention after almost seven months of his arrest i.e. also after submitting charge-sheet.

Since the accused person was arrested u/s 21(C)/29 of The NDPS Act along with commercial quantity of contraband articles, I am not inclined to grant bail to the accused.

Considering all aspects including submitting charge-sheet and gravity of offence, the prayer for bail of accused Najmul Hoque stands **rejected**.

Todate (10.04.2026) for production & SR.

Dictated & Corrected by,

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

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