

**Order No. 07 dt. 26.02.24**

Today is fixed for appearance, production, receipt of vehicle police report and hearing of the vehicle interim release petition and bail petition.

Accused persons namely Rejjak Ali, Arshad Ali are produced from J.C. today while the accused persons on court bail namely Baijur Rahaman and Anichur Rahaman have filed hazira and are present before this court.

I.O.'s report is not found filed. The accused persons in custody are remanded back to J.C. till the next date.

The record is now taken up for hearing and order of the bail petition filed on behalf of the accused persons in custody on the last date which has been fixed for hearing today. Ld. Advocate for the accused persons submitted that the accused persons are innocent and have been falsely implicated in this case. He prayed for bail for the accused petitioners under any terms and conditions.

Ld. P.P. In-charge raises objection to the said prayer for bail.

Heard both the sides. Perused the petition and the record. Considered.

It appears from the materials in the C.D. that the present accused persons are prima facie liable of having committed the offence u/s 20(b)(ii)(C) of the NDPS Act relating to carrying of ganja of commercial quantity without any supporting document which is a grave offence. The investigation of this case is underway. Hence, considering the above facts and circumstances and nature and gravity of the offence alleged to have been committed by the petitioners, I am not inclined to enlarge the accused persons on bail at this stage. Hence, prayer for bail is considered and rejected.

Vehicle release police report is found received in the record. The vehicle release petition which was fixed for hearing today is now taken up for hearing and order.

On perusal of the said report, it is clear that the I.O. has objection to the release of the said vehicle bearing registration No. WB64T/6306 to its owner Anichur Rahaman.

However, no cogent ground for such objection is made out in the said report. The only whisper found in the objection against interim release of the vehicle is that the release of the vehicle could potentially hamper the progress of the investigation which ground is not tenable.

It is evident from the record that vehicle No. WB64T/6306 was seized in this case and the CD of this case reveals that the said vehicle is owned by the present accused petitioner. As the said vehicle is lying in the P.S. under the open sky, its condition is bound to deteriorate day by day. This Court is now pleased to follow the guidelines framed by the Apex Court in Sunderbhai Ambalal Desai's case and is pleased to order the interim release of the vehicle to its owner Anichur Rahaman on filing Bank Guarantee/Fixed Deposit Certificate of rupees five lacs and a zimmanama bond to the effect that the vehicle would not be disposed of, its nature and character would not be changed and would be produced before this court as and when ordered. Such release of the vehicle upon submission of the above documents shall be on an interim basis and would be subject to the final determination of the matter of release of the vehicle or its confiscation at the end of the trial of this case.

To 22.5.24 for production, appearance and I.O.'s report.

Dictated & Corrected by,

Sd/-

Addl. Sessions Judge, 1<sup>st</sup> Court,  
Cooch Behar, (NDPS).

Sd/-

Addl. Sessions Judge, 1<sup>st</sup> Court,  
Cooch Behar, (NDPS).