

NDPS Case No. 14 of 2025

Present : Mukul Kumar Kundu
Additional Sessions Judge,
1st Court, (NDPS), Cooch Behar.
JO Code No. WB00654

Order No. 9
dated 21.05.2025

Today is fixed for production and evidence.

Accused Shakti Nath Bhowmik, Sanju Bhowmik and Madan Sen are produced from J.C. through V.C. and remanded to further J/C till next date.

Accused Rajat Kanti Chowdhuri on court bail is present by filing hazira.

A bail petition is filed on behalf of above accused Shakti Nath Bhowmik, Sanju Bhowmik and Madan Sen praying for bail on the ground as stated therein.

Copy served.

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

Now the bail petition is taken up for hearing.

Heard both sides.

Perused the materials on record and submission.

It is submitted by the Ld. Advocate for the accused Shakti Nath Bhowmik, Sanju Bhowmik and Madan Sen 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. PP in charge opposes the bail prayer considering the nature of the offence and the investigation is going on.

Perused the CD and materials on record.

Having heard the submission of both sides and on perusal of the case record I find that this is a case u/s 20(b)(ii)(C)/25/29 of the NDPS Act as huge quantity of narcotic substances have been allegedly recovered from the possession of the accused Shakti Nath Bhowmik, Sanju Bhowmik and Madan Sen 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 and there are sufficient incriminating materials against these accused persons. Moreover the investigation is in progress and therefore the bail prayer of the accused Shakti Nath Bhowmik, Sanju Bhowmik and Madan Sen may not be allowed.

Considering all aspects and grievous nature of offence, I am not inclined to enlarge accused Shakti Nath Bhowmik, Sanju Bhowmik and Madan Sen on bail. Hence prayer for bail in respect of accused Shakti Nath Bhowmik, Sanju Bhowmik and Madan Sen stands rejected.

On perusal of the case last order, it appears that inadvertently the date has been fixed for evidence instead of I.O.'s report. Be that it ought to be, now let a date be fixed for production and I.O.'s report.

To 03.06.2025 for production, appearance and I.O.'s report.

Dictated & Corrected by,

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

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(NDPS) Cooch Behar.