

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

NDPS Case No. 26/23

State Vs Biswajit Sarkar & Ors.
u/s 20(b)(ii)(C) of NDPS Act

Present : Mr. Nayyar Azam Khan,
Additional Sessions Judge, 1st Court,
Cooch Behar(NDPS).

Order No.1 dt. 10.4.23

The instant record is received from the court of Id. C.J.M. Cooch Behar today along with One Written complaint dt. 08.4.23 in four pages lodged by NCB KZU, Search-cum-seizure List dt .07.4.23 in seven pages, Inventory List dt. 10.4.23, three Memo of Arrest of the respective accused persons all dt. 07.4.23, medical documents of the respective accused persons all dt. 07.4.23. Let the case be registered as NDPS Case and the said documents be kept with the instant record. Three accused persons namely Biswajeet Sarkar, Nikhil Sarkar and Ram Jiban Sarkar are also produced today from custody. No PC prayer is made by the investigating agency. **Let the accused persons be remanded to J.C. till the next date. Issue intermediate custody warrant at once.** I.O has produced the seized alamat with a prayer for authentication of seized alamat and retention of seized alamat in the godown of 90 Battalion BSF Roopnagar, Cooch Behar in safe custody.

Heard. Considered.

The prayers are allowed. After authentication of the alamat, let the same be kept in the safe custody of the BSF as prayed for.

I.O has made another prayer for inventory and certification of the seized alamat before the Magistrate. The said prayer is also allowed. I.O is directed to produce the seized alamat before the **Ld. Judicial Magistrate, 2nd Court Cooch Behar**, who has been designated for the purpose of inventory as per provision of section 52A of NDPS Act.

Ld. Magistrate shall prepare one inventory in respect of seized alamat by verifying the weight and other details of the seized alamat and thereafter shall certify the correctness of the inventory in respect of each of the packet of the alamat with their respective weight separately and shall also prepare coloured

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photograph of all the seized alamats separately and distinctly showing the signatures appearing on the label of each of the alamats and shall also certify the same which shall be considered as evidence for the purpose of trial. Ld. Magistrate shall also prepare sample and certify the same as per the provision of section 52A of NDPS Act and accordingly, submit his detailed report of inventory and certification to this court directly along with photographs of the seized materials. I.O is directed to produce the seized alamats before the Ld. Magistrate in consultation with the date provided by the Ld. Magistrate for that purpose. **Let a copy of this order be sent to the Ld. Magistrate for his information and necessary action.**

Accused persons have also filed a bail prayer today in respect of the accused persons who are in custody which is moved by their ld. Advocate submitting therein that the accused persons are innocent and that they have been falsely implicated in this case and praying for their bail under any terms and conditions. Ld. Advocate for the State raises strong objection to the said bail prayer.

Heard both the sides. Perused the record and CD. The said bail prayer of the accused persons is rejected at this stage on the ground that they are facing serious charges and investigation is at a preliminary stage.

One petition is filed and moved on behalf of NCB today submitting therein that the seized currency notes amounting to Rs. 48000/- recovered from the possession of two of the accused persons needs to be deposited in bank. Ld. Advocate for NCB prayed for passing of appropriate order for deposit of the same.

Heard. Perused the petition and materials in the record. Considered.

The prayer is allowed. NCB is directed to deposit the above amount in any Nationalised Bank and thereafter file the relevant documentary proof before this court. Let a copy of this order be supplied to NCB for its information and necessary action.

Three intimations are filed on behalf of the three respective accused persons submitting therein that the accused persons were forcefully made to give statements by the NCB. As the said intimations are without any prayer, no order is made thereupon. let the same be kept in the instant record.

To **21.4.23** for production and I.O's report.

Dictated & Corrected by,

Sd/-

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

Sd/-

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Cooch Behar(NDPS).**