

In the Court of Additional Sessions Judge, 1st Court (NDPS), Cooch Behar
NDPS Case No. 33 of 2024

Order No.37

06.02.2025

Today is fixed for hearing of bail petition dated 01.02.2025 filed on behalf of custody accused Surubala Barman.

Ld. Special PP for NCB and Ld. Lawyer for the accused person are present.

IO is present with case diary.

Now the bail petition filed on 01.02.2025 on behalf of the above accused person 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 the accused is a female one and is in custody since 01.06.2024 and the mandatory provision of section 41B of Cr.P.C has not been complied. He further submits that the accused has been falsely implicated in this case and has no nexus with this case and if on bail she will not be absconded. So, she may be granted bail in any terms and conditions.

Ld. PP in charge opposes the bail prayer considering the nature of the offence where 12773 (100 ml) of phensedyl syrup bottles has been seized from the possession of the accused person which is commercial quantity in nature and barred as per provision of section 37 of NDPS Act. He further submits that all the provisions under NDPS Act has been complied by the NCB and therefore the accused person is not entitled to get bail.

Perused the case diary as well as materials on record and submissions.

Having heard the submission of both sides and on perusal of the case diary and record I find that in this case huge quantity of Phensedyl syrup bottle (12773) like substance has been seized from the possession of accused person which appears to be commercial quantity in nature and in this regard no such benefit could have been extended to her in view of the provision of section 37 of NDPS Act. Moreover, there is sufficient incriminating materials against her for the alleged offence and Final Report has already been submitted for the offence under section 8 (C) read with section 21 (C)/25/29 of NDPS Act. Apart from that remaining accused Ukil Chandra Barman is still absconding and WA is pending against him. As the allegation and nature of offence is grievous, the bail prayer of the above accused person may not be allowed.

Considering all aspects and grievous nature of offence, I am not inclined to enlarge accused on bail. Hence prayer for bail in respect of accused Surubala Barma stands rejected.

The bail petition filed on 01.02.2025 is hereby disposed of.

Todate i.e. 20.02.2025 for production and ER of WA of accused Ukil Ch. Barman .

Dictated & Corrected by

Sd/-

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

Sd/-

Addl. Sessions Judge, 1st Court,
(NDPS) Cooch Behar.
JO Code No. WB00654