

Order No. 09 dt.27.8.24

Today is fixed for production and I.O.'s report.

Accused person in custody namely Suru Bala Barman is produced from J.C. today. I.O.'s report is not found filed. Let the accused person be now remanded back to J.C. till the next date.

One bail petition is also filed today on behalf of the above-named accused person which is now taken up for hearing and order in presence of both the sides.

Ld. Advocate on behalf of the accused person moved the bail petition and submitted that the petitioner is innocent and has been falsely implicated in this case and that compliance u/s 41B Cr.P.C. has not been done in as much as signature of relative or any local person is not done in the arrest memo of the accused person and that the grounds of arrest were not communicated to the arrestee. He also drew the attention of this court to the fact that the alleged recovery of the contraband drug was made on 30.5.24 from the alleged P.O. house and thereafter the arrestee was arrested on 01.6.24 which is a gap of about 48 hours from the time of the recovery of the contraband. He also argued that the re-seizure of the contraband drugs was done by NCB on 01.6.24 which is again contrary to law and further submitted that strict compliance of sec. 42 of the Act has not been done by the seizing officer. He prayed that the accused petitioner may be enlarged on bail under any terms and conditions after drawing the attention of this court to various citations of Hon'ble High Court Calcutta and Hon'ble Supreme Court.

Ld. P.P. in-charge for the State raised objection against the prayer for bail submitting therein that commercial quantity of drugs has been recovered and seized from the possession of the petitioner which is a grave offence under The NDPS Act.

I have perused the record and materials in the C.D carefully. It appears from the perusal of the C.D. and the materials in the record that prima facie there are certain discrepancies in the matter of seizure of the contraband drug and arrest of the arrestee. The materials in the CD does not contain the compliance of sec. 42 of the Act as yet, but it is evident that the seizing officer is an empowered officer under the NDPS Act. However, this court cannot be oblivious to the fact that huge quantity of Phensedyl cough syrups amounting to 12773 in nos. has been recovered and seized from the house premises of the

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accused person in her presence and that the investigation of this case is at an early stage. The grounds agitated by the ld defence counsel do not prompt the court to come to a conclusion at this stage of investigation that there are reasonable grounds for believing that the accused person is not guilty. Considering the above facts and circumstances, this Court is of the opinion that the accused petitioner is not able to rebut the statutory limitations on grant of bail given in sec. 37(1)(b)(ii) of The NDPS Act at this stage of the case and hence her bail petition is hereby considered and dismissed on this day.

Today chemical examination report dt. 28.6.24 along with forwarding petition is received today from the NCB/State. Let it be kept with the record.

To 09.9.24 for production and I.O.'s report.

Dictated & corrected by

Sd/-

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

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Cooch Behar (NDPS)