

NDPS Case No. 40 of 2025

Order No. 12

dated 25.07.2025

Today is fixed for production and SR.

Accused Sarada Mohan Roy is produced from J.C. through V.C. and remanded to further J.C. till next date.

No SR is received with respect to accused Tahir @ Taher Miya, Robin @ Rabindra Nath Barman, Serajil @ Serajul Miya and Bishu Barman.

The case shall not proceed for long for want of SR with respect of absconded accused persons where one of the accused person is in J.C. Therefore, this court has no other alternative but to issue bailable Warrant in order to ensure the attendance of accused Tahir @ Taher Miya, robin @ Rabindra Nath Barman, Serajil @ Serajul Miya and Bishu Barman. Let bailable of WA of Rs 1000/- be issued against accused Tahir @ Taher Miya, robin @ Rabindra Nath Barman, Serajil @ Serajul Miya and Bishu Barman.

A bail petition is filed on behalf of above accused praying for bail on the ground 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.

It is submitted by the Ld. Advocate for the accused person that he has been falsely implicated in this case and has permanent residences in the locality and will not abscond if granted bail in his favour. So, he may be granted bail in any terms and conditions.

Ld. PP in charge oppose the bail prayer considering the nature of the offence where huge quantity of narcotic substances were seized and charge-sheet has already been submitted.

Perused the materials on record, case diary and submission.

Having heard the submission of both sides and on perusal of the case record I find that huge quantity of narcotic substances (9.5 kgs of Ganja and 160 number of bottles of Phensedyl cough syrup) have allegedly been recovered in this case which commercial quantity in nature for which no such benefit could have been extended to him in view of section 37 of NDPS Act in this regard and there are sufficient incriminating materials against the accused person u/s 21(C)/20(b) (ii)(B)/29 of the NDPS Act. Moreover, charge-sheet has already been submitted in this case. Therefore 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 at this stage. Hence prayer for bail in respect of accused Sarada Mohan Roy stands rejected.

Copies are ready but cannot supply in absence of physical production of the accused Sarada Mohan Roy.

To 21.08.2025 for production, ER of WA and copy.

Dictated & Corrected by,

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

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