

NDPS Case No. 40 of 2025
(Arising out of Sitai PS Case No. 73/2025 dated 02.04.2025)

Order No. 20
dated 03.02.2026

Today is fixed for production and attachment report.

Accused Sarada Mohan Roy and Tahir @ Taher Miya are produced from J.C. through V.C. and remanded to further J.C. till next date.

Ld. PP in charge and the Ld. Remand Advocate from DLSA, Cooch Behar of the accused are present.

A bail petition is filed on behalf of accused Tahir @ Taher Miya praying for bail on the ground as stated therein. No bail petition is filed on behalf of accused Sarada Mohan Roy as submitted by his Ld. Advocate.

Received execution reports of Warrant of Attachment dated 02.02.2026 from ASI Pronab Kumar Roy of Sitai PS. Let it be kept with the record.

Now the bail petition filed on behalf of accused Tahir @ Taher Miya is taken up for hearing.

Heard both sides.

It is submitted by the Ld. Remand Advocate for the accused Tahir @ Taher Miya 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.

Under the above circumstances and considering the nature of offence, I am not inclined to enlarge accused on bail at this stage. Hence prayer for bail in respect of accused Tahir @ Taher Miya stands rejected.

Perused the reports dated 02.02.2026 regarding execution of attachment against accused Robin @ Rabindra Nath Barman, Serajil @ Sirajul Miya and Bishnu Barman along with compliance report and Nil Seizure list submitted by the ASI Pronab Kumar Roy stating that no property could be traced in the name of the accused Robin @ Rabindra Nath Barman, Serajil @ Sirajul Miya and Bishnu Barman at their residence as well as in the locality.

On perusal of the case record and submission it appears that proclamation reports with respect to accused Robin @ Rabindra Nath Barman, Serajil @ Sirajul Miya and Bishnu Barman have already received on 23.12.2025 from Sitai PS and subsequently attachment order was passed on 23.12.2025. Moreover, the charge-sheet under section 21(C)/20(b)(ii)(B)/29 of The NDPS Act was submitted against four accused persons including these accused Robin @ Rabindra Nath Barman, Serajil @ Sirajul Miya and Bishnu Barman showing them absconded in the year 2025.

Contd...dated 03.02.2026

The execution report of attachment reveals that there is no possibility of apprehension of above accused persons as they are not residing in the locality since long. Therefore, this court opined that as two of the accused persons are in custody and there is no immediate chance of apprehension of remaining absconding accused persons namely Robin @ Rabindra Nath Barman, Serajil @ Sirajul Miya and Bishnu Barman, let the case be filed for the present against absconding accused Robin @ Rabindra Nath Barman, Serajil @ Sirajul Miya and Bishnu Barman.

Hence, it is

Ordered,

that the case against accused Robin @ Rabindra Nath Biswas, Serajil @ Sirajul Miya and Bishnu Barman be filed for the present but the concerned Police Station be vigilant in this regard in future.

As the copy has not been supplied to accused Tahir @ Taher Miya, his physical production is required though the copies has already been supplied to other accused Sarada Mohan Roy on 21.08.2025.

To 17.03.2026 for production/ physical production of accused Tahir @ Taher Miya for copy and charge.

Let a copy of this order be sent to I.C. Sitai PS and Superintendent of Cooch Behar District Correctional Home for information taking necessary action.

Dictated & Corrected by,

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

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