

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

NDPS Case No. 42/2024

State

Vs

Sumit Mishra & Ors.

u/s 21(c)/25/29 of The NDPS Act

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

Order No. 01 dt. 16.7.24

Today some documents are received from Kotwali P.S. which include Written complaint dt. 16.7.24 in six pages duly forwarded by I.C. Kotwali P.S., formal FIR dt. 16.7.24, Two Memos of Arrest both dt 15.7.24, one seizure list in two pages dt. 15.7.24, Two notices u/s 103 of BNSS both dt.15.7.24, Two notices u/s 50 of The NDPS Act both dt. 15.7.24, Requisition dt. 15.7.24, Inventory list in two pages dt. 15.7.24, one specimen seal impression on paper, Information petition list dt.15.7.24, permission petition dt. 15.7.24, medical check-up documents and requisitions, Two Certificates u/s 63 of BSA both dt. 16.7.24, Two seizure lists both dt. 16.7.24 and forwarding report in four pages dt 16.7.24. Let the case be registered as NDPS Case and the said documents be kept with the instant record.

Today two accused persons namely Sumit Mishra and Labkush Kaul, who have been arrested in this case are also forwarded before this court from the concerned P.S. who is now taken into custody. One prayer in four pages dt. 16.7.24 is also received from the I.O. praying for police custody of both the accused persons for seven days which prayer is now allowed on detailed perusal of the materials in the CD emerging so far. I.O. is directed to follow the guidelines given in D.K. Basu judgement with respect of keeping custody of

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accused persons.

One prayer of the I.O. dt. 16.7.24 is also received through Id P.P. In-charge with respect to retention of the seized Alamat which is moved, considered and allowed. let the alamat be kept in the safe custody of Kotwali P.S. Malkhana.

I.O has made another prayer for inventory 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 jurisdictional Judicial Magistrate i.e. **Ld. Judicial Magistrate, 2nd Court, Sadar Cooch Behar immediately** for inventory certification.

Ld. Magistrate is directed to allow the prayer of the I.O. in this regard and act as per the provisions of section 52A of The NDPS Act at the earliest and thereafter to submit his detailed report of inventory certification to this court.

Let a copy of this order be sent to the Id Judicial Magistrate 2nd Court, Sadar Cooch Behar for his information and necessary action.

Let another copy of this order be provided to the I.O. of this case for his information and necessary action.

One bail petition is also filed today on behalf of the accused persons along with Vokaltnama which bail petition is now taken up for hearing and order.

Ld Advocate while moving the said bail petition submitted that the accused persons are innocent and have been falsely implicated in this case. He prayed for grant of bail to the accused petitioners under any terms and conditions.

Ld Advocate for the State raised strong objection to the said bail prayer.

Heard both the sides. Perused the materials in the CD and the record. Considered.

It appears from the materials in the CD that there is a prima facie case of possession of commercial quantity of manufactured drug without any justification which is a serious

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non-bailable offence. The investigation is at a preliminary stage. Hence, the bail petition is now considered and dismissed at this stage. Both accused persons be handed over to the I.O. of this case for police remand upon receipt.

To 22.7.24 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)**