

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

NDPS Case No. 42 of 2024

Order No. 23

dated 03.01.2025

Today is fixed for production of accused persons and supply of copies.

Accused Sanjay Kr. Patel and Kushal Singh are produced through V.C. from Jalpaiguri Correctional Home and remanded to J.C. till 13.02.2025.

Accused Sumit Mishra and Labkush Kaul are produced through V.C. from Cooch Behar District Correctional Home through V.C. and also remanded to J.C. till 13.02.2025.

A bail petition is filed on behalf of accused Sumit Mishra and Labkush Kaul praying for bail on the ground stated therein. No bail petition is filed on behalf of accused Sanjay Kr. Patel and Kushal Singh.

Ld. Special PP for STF and the Ld. Lawyer of the accused persons are present.

Now the bail petition is taken up for hearing.

Heard both sides.

It is submitted by Ld. Advocate for the above two accused persons that they have been falsely implicated in this case and were not involved in any way about the alleged incident. So they may be granted bail in any terms and conditions.

Ld. PP in charge oppose the bail prayer considering the nature of offences and early stage of investigation.

Having heard the submissions of both sides and considering the nature of offence u/s 21(C)/25/29 of The NDPS Act when huge quantity of Phensedyl cough syrup bottles were seized from the possession of accused persons and there are prima facie materials against the accused persons. Moreover, charge-sheet has already been submitted under the3 afore said section which commercial quantity for which no such benefit could have been extended to them in view of section 37 of NDPS Act in this regard . investigation is in progress as final report has yet not been submitted. Therefore the bail prayer of the above two42 accused Sumit Mishra and Labkush Kaul may not be allowed.

Considering all aspects and nature of offence, I am not inclined to enlarge the three accused persons on bail. Hence prayer for bail in respect of accused Sumit Mishra and Labkush Kaul stands rejected.

As none of the accused are produced physically therefore copies cannot not supply to them and the copies will be supplied in their physical production.

To 13.02.2025 for production all four accused physically and supply of copies.

Let a copy of this order be sent to the Superintendent of Police, Cooch Behar , the Superintendent of Police, Jalpaiguri and the Superintendent of Cooch Behar District Correctional Home and the Superintendent of Jalpaiguri District Correctional Home.

Dictated & Corrected by,

Sd/-

Sd/-

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

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

JO Code No. WB00654