

ST No. 05(03)2025

NDPS Case No. 42 of 2024

Present : Mukul Kumar Kundu  
Additional Dist & Sessions Judge,  
1<sup>st</sup> Court, Sadar, Cooch Behar.  
JO Code No. WB00654

Order No. 01

Dated 21.03.2025

Today is fixed for appearance and consideration of charge.

Out of four accused persons, accused Kaushal Singh on court bail is present by filing hazira.

Remaining accused persons namely Sumit Mishra and Labkush Kaul are physically produced from J.C.

Another accused Sanjay Kumar Patel is produced from Jalpaiguri Correctional Home.

Ld. PP-in-charge and Ld. Lawyer for the accused are present.

On perusal of the case record it appears that next date with respect of order No. 26 of this case has been fixed on 27.03.2025 instead of 21.03.2025 which is merely a clerical mistake and need to be rectified and let the appropriate date be read after necessary correction.

DA to do the needful.

A bail petition is filed on behalf of the accused Sanjay Kumar Patel praying for bail on the ground stated therein.

Now the bail petition is taken up for hearing.

Heard both sides.

Perused the materials on record and submission.

Ld. Lawyer for the accused person submits that accused Sanjay Kumar Patel has been falsely implicated in this case. He further submits that he has a permanent residence in the locality will not be abscond if on bail, so, he may be granted bail in any terms and conditions.

Ld. PP-in-charge opposes the bail prayer of the accused considering the nature of the offence and charge-sheet has already been submitted.

Perused the case record and submission.

Having heard the submission of both sides and materials on record as well as case diary, I find that these are sufficient incriminating materials for the alleged offence u/s 21(C)/25 r/w section 337/61 of BNS of the NDPS Act where huge quantity of substance were seized which appears to be commercial quantity. Apart from that there are sufficient materials against this accused person and investigation has been concluded in the form of charge-sheet. Therefore bail prayer of the accused may not be allowed.

Considering all aspects and nature of offence, I am not inclined to enlarge accused on bail at this stage. Hence prayer for bail in respect of accused Sanjay Kumar Patel stands rejected.

Now the case is taken up for consideration of charge.

Heard both sides.

Perused the case diary and materials on record.

On perusal of the case diary and the materials on record I find that there are sufficient materials for the offence under section 21(C) of the NDPS Act r/w section 337/61 of BNS against accused Sumit Mishra, Labkush Kaul and Kaushal Singh and there are sufficient materials for the offence under section 25 of the NDPS Act against accused Sanjay Kumar Patel.

Accordingly charge under section 21(C) of the NDPS Act r/w section 337/61 of BNS is framed against the accused Sumit Mishra, Labkush Kaul and Kaushal Singh and charge under section 25 of the NDPS Act is framed against the accused Sanjay Kumar Patel. The substance of accusation for the aforesaid case is read over and explained to the accused persons to which plead “not guilty” individually and claim to be tried.

Formal charge has been framed separately in detail on a separate sheet and kept with the record.

To 02.06.2025 for evidence of CSW No. 1

To 03.06.2025 for evidence of CSW No. 2

To 04.06.2025 for evidence of CSW No. 3

Issue summons accordingly.

Prosecution to take steps.

Alamat be produced on the date fixed.

I.O. Kishun Kerketta, SI of Police of STF WB, Siliguri is hereby directed to make necessary arrangement for appearance of materials witnesses mentioned above i.d. necessary order will be passed.

Let a copy of this order be sent to The Dy. Superintendent of Special Task Force, West Bengal North Bengal (HQ), Siliguri for information with a request to direct I.O. Kishun Kerketta, SI of Police of STF WB, Siliguri for strict compliance.

Dictated & Corrected by,

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

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Addl. Sessions Judge, 1<sup>st</sup> Court,  
(NDPS), Cooch Behar.