

In the Court of the Ld. Addl. Dist. & Sess. Judge, 1st Court (NDPS), Cooch Behar

NDPS Case No. 46 of 2024

Present : Mukul Kumar Kundu
Additional Sessions Judge,
1st Court, (NDPS), Cooch Behar.
JO Code No. WB00654,

Order No. 18

dated 29.01.2025

Record is put up today.

A bail petition is filed on behalf of the custody accused namely Hamidul Rahaman praying for bail on the ground as stated therein.

Copy served.

Ld. PP-in-Charge and Ld. Advocates on behalf of the accused person are present.

Heard both sides.

It is submitted by the Ld. Advocate on behalf of the above accused that he has been falsely implicated in this case and is in custody more than 180 days but the Charge-sheet has not yet been submitted by the I.O. as this case leads commercial quantity. For the aforesaid reasons, the right of default/statutory bail has been accrued after expiry of 180 days from the dates of first production of the accused i.e on 01.08.2024. He further submits that the co-accused person has already granted bail in this case. So, he may be granted bail in any condition and circumstances.

It is submitted by the Ld. Advocate on behalf of the above accused by filing an affidavit that no bail petition is pending or rejected before/ by the Hon'ble Court.

Ld. PP- in- Charge does not dispute the submission of the Ld. Advocate on behalf of the custody accused regarding accrued of right of default/statutory bail of the custody accused after expiry of statutory period of 180 days from the date of first production of the accused as the charge-sheet of this case has yet not been submitted by the I.O. Therefore, he submits when charge sheet has not been submitted within statutory period of 180 days necessary order my kindly be passed.

Having regard to the submissions of both sides and on perusal of the case diary, I find that this is a case under section 21(C)/29 of The NDPS Act and the case relates to commercial quantity. It further appears that the custody accused Hamidul Rahaman was brought under arrest and produced before this court on 01.08.2024 and the right of default / statutory bail is already been accrued after expiry of 180 days from the date of production of the accused because during that time no charge-sheet was submitted by the I.O as reported by B.C. II of this Court or that no extension prayer for further investigation is submitted either by I.O. or by the prosecution as per law in respect of this case which relates to the commercial quantity.

NDPS Case No. 46 of 2024

I considered the submission of the Ld. Advocate for the accused which is reasonable and justified one. Apart from that no such prayer was made either by the PP-in-charge or the I.O. for further detention of the accused beyond the period of 180 days and no such prayer for extension of time for further investigation is made by the I.O. In this situation the accused Hamidul Rahaman is entitled to get default/ statutory bail as per law as the Charge-sheet has not been submitted within the statutory period of 180 days from the date of his first production of the accused persons i.e. today is the 181 days because till today no charge-sheet has been submitted by the I.O.

Considering all aspects and submission, I am inclined to enlarge the accused Hamidul Rahaman on bail with certain conditions. Hence, the prayer for bail in respect of Hamidul Rahaman is allowed.

Accordingly accused Hamidul Rahaman shall be released on interim bail on furnishing bond of Rs. 10,000/- (ten thousand) with two sureties of Rs. 5,000/- (five thousand) each one of whom must be local surety and shall also report his place of residence and on condition to meet with the I.O. if required for the purpose of investigation and also on condition not to leave the jurisdiction of this court without permission of the court and shall appear before this court on every schedule date of substantive hearing until further order and shall not intimidate the witnesses and/ or tamper with evidence in any manner whatsoever, subject to the satisfaction of Ld. CJM., Cooch Behar.

Todate i.e. 30.01.2025 for production/ appearance and I.O's report.

Let a copy of this order be sent to the Ld CJM, Cooch Behar for information & necessary action.

Let a copy of this order be sent to the I.O. SI Avijit Sarkar of Ghoskadanga PS through the O.C. Ghoskadanga PS for information and taking necessary action.

Dictated & Corrected by,

Sd/-

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

Sd/-

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