

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

NDPS Case No. 20/24

State

Vs

Zoya Khatoon & Ors

u/s 20(b)(ii)(C)/25/28/29 of The NDPS Act

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

Order No. 01 dt. 22.3.24

Today some documents is forwarded to this court from Pundibari P.S. which include Written complaint dt. 21.3.24 in five pages duly forwarded by O.C. Pundibari P.S., formal FIR dt. 21.3.24, Three Arrest Memos all dt 21.3.24, one notice dt. 21.3.24, one seizure list dt. 21.3.24, Another seizure list in four pages dt. 21.3.24, Medical check-up documents dt. 22.3.24 and forwarding report dt 21.3.24. Let the case be registered as NDPS Case and the said documents be kept with the instant record.

Today three accused persons namely Zoya Khatoon, Taslima Laskar and Saberun Begam who have been arrested in this case are also forwarded before this court from the concerned P.S. who are now taken into custody. Two prayers of the I.O. are also received through ld P.P. In-charge with respect to authentication and retention of the seized alamats which are moved, considered and allowed. After authentication of the alamats, let the same be kept in the safe custody of concerned P.S Malkhana.

I.O has made another prayer for inventory certification of the seized alamats before the Magistrate. The said prayer is also allowed. I.O is directed to produce the seized alamat before the **Ld. Judicial Magistrate, 2nd Court, Cooch Behar**, who has been designated for the purpose of inventory certification as per provision of section 52A of NDPS Act.

Ld. Magistrate shall verify the inventory with the weight and other details of the seized alamat and thereafter shall certify the correctness of the inventory in respect of each of the packet of the alamat with their respective weight separately and shall also prepare coloured photograph of all the seized alamat separately and distinctly showing the signatures appearing on the label of each of the alamat and shall also certify the same which shall be considered as primary evidence for the purpose of

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trial. Ld. Magistrate shall also prepare sample and certify the same as per the provision of section 52A of NDPS Act and accordingly, submit his detailed report of inventory and certification to this court directly along with photographs of the seized materials. I.O is directed to produce the seized alat before the Ld. Magistrate.

Let a copy of this order be sent to the Ld. Magistrate for his information and necessary action. One bail petition is also filed today on behalf of the accused persons along with their Vokatnama which is now taken up for hearing and order.

Ld Advocate while moving the 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 ganja without any justification in a public carrier which is a non-serious non-bailable offence. The investigation is at a preliminary stage. Hence, the bail petition is now considered and dismissed at this stage. Accused persons be now remanded to J.C. till the next date. Issue intermediate custody warrant at once.

Today one vehicle interim release petition is also found filed along with Vokatnama by the petitioner Biswanath Karmakar who is the owner of the seized vehicle No. WB73B/1001 along with photocopies of his Aadhar Card. He has also filed today photocopies of the documents of the seized vehicle with firsti. The said petition is now taken up for hearing and order.

Ld Advocate for the petitioner while moving the said petition submitted that the seized vehicle i.e. bus belongs to the petitioner which bus is a public carrier which has already been seized by the Election Commission of India for election purposes and is to be sent for the said duty soon. He prayed for return of the said bus to the petitioner.

Heard both the sides. Perused the petition, vehicle documents and instant record. Considered.

It is apparent that the seized bus is a public carrier and has nothing to do with the recovery of contraband from the possession of its passengers. It also appears from

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the vehicle documents filed today that the petitioner is the owner of the seized bus. Hence, this court is pleased to allow the petition filed by the bus owner Biswanath Karmakar and order the interim release of the vehicle being No. WB73B/1001 to its owner on filing Zimmanama Bond of amount of Rupees ten lacs with undertaking therein that the vehicle would not be disposed of, its nature and character would not be changed and would be produced before this court as and when ordered. Such release of the vehicle upon submission of the above shall be on an interim basis and would be subject to the final determination of the matter of release of the vehicle or its confiscation at the end of the trial of this case.

To 05.4.24 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)**

Later :

One Zimmanama Bond of rupees ten lacs is filed today on behalf of petitioner Biswanath Karmakar. The said Bond is found in proper form and thus accepted.

O.C. Pundibari P.S. is directed to hand over the delivery of vehicle No. WB73B/1001 to its owner petitioner Biswanath Karmakar after taking photographs of the said vehicle and keeping a copy of the vehicle documents of the said vehicle at the P.S.

Let a copy of this order be sent to O.C. Pundibari P.S. for compliance.

To 05.4.24 for production and I.O.'s report.

Dictated & Corrected by,

Sd/-

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

Sd/-

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