

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

NDPS Case No. 53/2024

State

Vs

Bokul Mia & Anr

u/s 21(b)/22(b)/27(a)/29 of The NDPS Act

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

Order No. 01 dt. 14.8.24

Today some documents are received from Kotwali P.S. which includes Written complaint dt. 13.8.24 in two pages duly forwarded by I.C. Kotwali P.S., formal FIR dt. 13.8.24, Two Arrest-Cum-Inspection Memos both dt 13.8.24, two notices both dt. 13.8.24, permission petition dt. 13.8.24, accused challan dt. 14.8.24, one seizure list in two pages dt. 13.8.24, medical check-up documents dt. 14.8.24 and accused forwarding report in three pages dt 14.8.24. Let the case be registered as NDPS Case and the said documents be kept with the instant record.

Today two accused persons namely Bokul Mia and Chalim Hossain, who has been arrested in this case are also forwarded before this court from J.C. who are now taken into custody. One prayer dt. 14.8.24 is also received from the I.O. praying for police custody of the accused persons for ten days which prayer is now allowed for five days on detailed perusal of the materials in the CD emerging so far. I.O. is directed to follow the guidelines given in respect of keeping custody of accused person.

One bail petition is also filed today on behalf of the accused persons along with Vokatnama which 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.

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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 brown sugar by the accused persons without any justification which is a serious non-bailable offence. The investigation is at a preliminary stage. Hence, the bail petition is now considered and dismissed at this stage.

One prayer of the I.O. dt. 14.8.24 is also received through ld 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 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 **Ld. Judicial Magistrate, 2nd Court, Sadar Cooch Behar** who has been designated as the jurisdictional Magistrate for the purpose of inventory certification as per provision of section 52A of NDPS Act.

Ld. Magistrate shall verify the details of the inventory prepared by the concerned police officer with the seized alamat produced before him and shall certify the correctness of the said inventory. He shall also allow the drawing of representative samples in his presence and act as per the provisions of sec. 52A of The NDPS Act and thereafter furnish report to this court at the earliest. I.O is directed to produce the seized alamat before the Ld. Magistrate.

Let an extract of this order be sent to the Ld. Magistrate for his information and necessary action.

The accused persons Bokul Mia and Chalim Hossain, be handed over to the I.O. of this case for police remand upon receipt.

To 19.8.24 for production and I.O.'s report.

Dictated & Corrected by

Sd/-

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

Sd/-

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

