

**NDPS Case No. 68 of 2018**

**ST No. 02(09)2024**

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

Order No. 46

Dated 27.09.2024

Today is fixed for production, consideration of charge and CD.

Accused Jakir Hossain is produced from J.C. and remanded to J.C. till 12.12.2024.

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

A bail petition is filed on behalf of the accused Jakir Hossain praying for bail on the ground stated therein.

Copy served. C.D. produced.

Now the bail petition is taken up for hearing.

Heard both sides.

It is submitted by the Ld. Advocate for the accused that he has been falsely implicated in this case and has a permanent residence in the locality. So, he may be granted bail in any terms and conditions.

On the contrary Ld. PP in charge oppose the bail prayer considering the nature of offence.

Perused the materials on record and submission.

Having heard the submission of both sides and on perusal of the case diary I find that 5000 number of Phensedyl cough syrup were recovered which appears to be commercial quantity from the house of the accused persons and there are sufficient incriminating materials against the accused person u/s 21(c)/25/29 of the NDPS Act. Moreover the case is initial stage of investigation and therefore the bail prayer of the accused may not be allowed at this stage.

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

Now the case is taken up for consideration of charge.

Perused the case diary and materials on record.

On perusal of the case diary and the materials on record I find that charge against accused Najir Hossain has already framed vide order dated 16.11.2022 and there are sufficient materials for the offence under section 21(c)/25/29 of NDPS Act against the accused Jakir Hossain as well who was

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brought under arrest before this Court subsequently on 21.08.2024. Accordingly charge under section 21(c)/25/29 of NDPS Act is framed against accused Jakir Hossain.

The substance of accusation for the offence u/s 21(c)/25/29 of NDPS Act is read over and explained to the accused person Jakir Hossain to which he pleads not guilty by saying "আমি নির্দোষ" and claims to be tried.

Formal charge has been framed separately in detail on a separate sheet.

The date has already been fixed for evidence of remaining witnesses on the schedule dates (vide order No. 49 dated 31.07.2024) and thereafter date will be fixed for evidence of PW1 to PW4 in respect of accused Jakir Hossain as the four witnesses were examined in absence of accused Jakir Hossain.

Let the case diary be returned.

Todate i.e. 12.12.2024/ 13.12.2024/ 16.12.2024 for appearance, production and evidence as per schedule and thereafter date will be fixed for evidence of PW-1 to PW-4 in respect of accused Jakir Hossain.

Dictated & Corrected by,

Sd/-

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

Sd/-

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