

NDPS Case No. 80 of 2025

(Arising out of PTN Case No. WBCB01P0002182025)

Order No. 17

dated 25.08.2025

Today is fixed production & I.O.'s report.

Accused Shivam Kumar is produced from J.C. through V.C. and remanded to further J.C. till next date.

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

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

Copy served.

Received charge sheet being charge sheet No. 761/2025 dated 23.08.2025 U/sec. 20(b)(ii)(C)/29 of The NDPS Act along with FSL report and explanation report against accused (1) Shivam Kumar who is in custody and CCL (2) Ganpati Kumar Chouhan in connection with Pundibari PS Case No. 227/2025 dated 01.03.2025

Copies of the documents relied upon in connection with the case are also submitted by the I.O for supplying the same to the accused person.

I have perused the case diary along with written complaint, statement of witnesses recorded u/s 161 of Cr.P.C., seizure lists and other materials on the case diary.

After careful perusal of the case diary it appears that there is sufficient prima facie materials for the offence U/sec. 20(b)(ii)(C)/29 of NDPS Act against accused persons Shivam Kumar who is in custody and CCL Ganpati Kumar Chouhan.

Accordingly, **cognizance for the offence U/sec. 20(b)(ii)(C)/29 of NDPS Act is taken** against accused Shivam Kumar.

Let the case be registered as NDPS Case.

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 permanent residence in the locality and he will not abscond if granted bail in his favour. 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 the charge-sheet has already been submitted.

Perused the materials on record and submission.

Having heard the submission of both sides and on perusal of the case record I find that this is a case u/s 20(b)(ii)(C)/29 of the NDPS Act as huge quantity of ganja like substances has been allegedly recovered from the possession of the accused persons which commercial quantity in nature for which no such benefit could have been extended to them in view of section 37 of NDPS Act in this regard and there are sufficient

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incriminating materials against the accused person. Moreover the charge-sheet has already been submitted and therefore the bail prayer of the accused may not be allowed.

Considering all aspects and grievous nature of offence, I am not inclined to enlarge accused on bail. Hence prayer for bail in respect of accused Shivam Kumar stands rejected.

To 03.09.2025 for physical production & supply of copy.

Let a copy of this order be sent to the Superintendent of Cooch Behar District Correctional Home for information and taking necessary action.

Dictated & Corrected by,

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

Addl. Sessions Judge, 1st Court,
(NDPS) Cooch Behar.
JO Code No. WB00654