

WBCB010024552025



NDPS Case No. 91 of 2025

Order No. 8

dated 27.04.2026

The accused Rabiul Rahaman is produced from J.C. through V.C.

No witness turned up today.

It was the submission of the Ld. Advocate for the accused that though in this case charge was framed on 13.01.2026 but till date no witness was examined.

Prayer was made for speedy disposal of the case.

The Ld. Advocate for the accused also filed one bail petition on three grounds :-

1. the accused is deprived of getting speedy justice
2. That the quantum of the seized contraband does not fall within the ambit of commercial quantity.
3. The grounds of arrest was not shown properly and the specific direction of the Hon'ble Apex Court was violated.

The Ld. PP in Charge raised strong objection.

It is fact that after framing of charge no witness was examined and obviously the accused is deprived of getting speedy justice.

Under the circumstances, the prosecution is directed to produce the complainant and the witnesses of seizure positively on 03.07.2026.

Regarding the submission of the Ld. Advocate for the accused that the seized contraband does not fall within the ambit of commercial quantity, cannot be considered at this stage as at the time of framing of charge no objection was raised from defence and no petition was filed challenging the order of framing of charge.

Moreover, from the seizure list it appears that 230 bottles of Escuf Cough Syrup were seized from seven bags which were with this accused and the said quantum falls within the ambit of commercial quantity and as such this argument of the Ld. Defence counsel carries no weight at all.

Regarding the fault on the part of the arresting officer for not communicating the grounds of arrest was raised before this court relying upon the decision of the Hon'ble Apex Court as passed in Vihaan Kumar Vs State of Haryana, Prabir Purkayasta Vs State.

My attention was drawn to the observation of the Hon'ble Apex Court in para No. 31 of Vihaan Kumar case wherein it was observed by the Hon'ble Court that if any allegation is made by the accused that the ground of arrest was not communicated to him, the burden will be shifted on the arresting agency to satisfy the court that effective compliance was made with the requirement of Article 22(1) of Constitution of India.

In the light of the allegation of the Ld. Defence Counsel I have perused the memo of arrest. It is fact that in column No. 10 of the memo of arrest it was not mentioned in details as to for seizure of which kind of contraband the accused was arrested but in the said column it was specifically mentioned that the accused was arrested for the violation of the provision of NDPS Act.

Prima facie I do not find any ground to accept the submission of the Ld. Defence Counsel.

At the same time I am of the view that arresting agency must be cautious during filling up of the specific column where grounds of arrest would be noted.

My attention was also drawn to the decision of the Hon'ble High Court Calcutta as passed in CRM (NDPS) 144 of 2025 where it was mentioned by the Hon'ble Court that non compliance of mentioning the grounds of arrest will not stand on the way of releasing the accused on bail.

I have already mentioned that prima facie I do not find any latches on the part of the arresting officer and as such I think that the observation of the Hon'ble High Court Calcutta is not applicable in this case.

Considering all the aspects I do not think it proper to release the accused on bail at this stage and the prayer stands rejected.

Todate (03.07.2026) for evidence.

Dictated & Corrected by,

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

(Anirban Das)
JO Code: WB00691
Addl. Sessions Judge, 1st Court,
(NDPS) Cooch Behar.