

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

NDPS Case No. 64 of 2024
CNR No. WBCB01-002518-2024

State
Vs

1. Anarul Miah and 2. Alataf Hossain

Ref : Dinhata PS case No. 506/24 dated 19.09.2024
u/s 20(b)(ii)(c)/29 of The NDPS Act and GDE No. 1161 dated 19.09.2024

Present : Sri Mukul Kumar Kundu
Additional Sessions Judge,
1st Court, (NDPS), Cooch Behar.
JO Code No. WB00654,

Order No. 01 dated 20.09.2024

Received formal FIR, written complaint, Arrest-cum-Inspection Memo, seizure list, forwarding report, medical documents, prayer for seven days police remand, prayer for inventory and certification of correctness of seized alamats and accused challan from Dinhata PS in connection with Dinhata PS case No. 506/24 dated 19.09.2024 u/s 20(b)(ii)(c)/29 of the NDPS Act against accused **1. Anarul Miah and 2. Alataf Hossain**. Let the case be registered as NDPS Case and the documents be kept with the record.

Accused **Anarul Miah** brought under arrest from Dinhata PS in connection with above reference case who is taken into custody and remanded to J.C. till 30.09.2024.

A bail petition along with vakalatnama are filed on behalf of the above accused person praying for bail on the ground stated therein.

Copy served.

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

I.O. SI Asraf Alam of Dinhata PS is present by producing case diary and has prayed for seven days P.C. and inventory of alamat on the ground stated therein.

ORDER REGARDING PRAYER OF POLICE CUSTODY

Now the record is taken up for consideration of prayer of P.C. as sought for by the I.O.

Heard and seen the prayer of the P.C.

Having heard the submission and on perusal of the prayer of P.C. as well as case diary it appears that I.O. has prayed for seven days P.C. without having any reason or ground to consider his prayer. Apart from that the superior officer has recommended such prayer of I.O. without any ground for allowing the prayer of P.C. On the contrary it has not cleared in the prayer of P.C. for what purpose I.O. has prayed when there is specific guideline of the Hon'ble Apex Court regarding the Police custody of an accused.

Therefore, I am not inclined to allow the prayer of seven days police remand as made by the I.O. and the same is rejected.

ORDER REGARDING BAIL PETITION

Now the bail petition is taken up for hearing.

Heard both sides.

It is submitted by Ld. Advocate for the above accused person that he has been falsely implicated in this case and he was not involved in connection with this case. So he may be granted bail in any terms and conditions.

Ld. PP in charge vehemently oppose the bail prayer considering the nature and offences.

Having heard the submissions of both sides and considering the nature of offence u/s20(b)(ii) (c)/29 of The NDPS Act I find that the case is at initial stage of investigation and there is sufficient incriminating material against the above accused person for the offence made in the FIR. Moreover, seizure has been made during investigation and therefore the bail prayer of the above accused person may not be allowed at this stage. Accordingly, I am not inclined to enlarge the accused persons on bail. Hence, prayer for bail in respect of accused **Anarul Miah stands** rejected.

ORDER REGARDING INVENTORY

Now the record is taken up for consideration of prayer to accord order for the certification of disposal of seized articles and preparation of certificate u/s 52A in The NDPS Act act for inventory of the seized articles.

Perused the prayer of I.O. for inventory of seized alat u/s 52A of The NDPS Act. Considered. The prayer of the I.O. as sought for is allowed in the interest of investigation.

I.O. SI Asraf Alam of Dinhata PS is directed to produce the seized alat in connection with this case before the designated court i.e. Ld. Judicial Magistrate, 2nd Court, Dinhata for the purpose of

certifying inventory as per provision of section 52A of NDPS Act.

Ld. Judicial Magistrate shall prepare one inventory in respect of seized alamats by verifying the weight and other details of the seized alamats and thereafter shall certify the correctness of the inventory in respect of each of the packets of the alamats with their respective weights separately and shall also prepare photograph and videography of all the seized alamats separately and distinctly showing the signatures appearing on the label of each of the alamats and shall also certify the same which shall be considered as evidence for the purpose of trial.

Ld. Judicial Magistrate shall also prepare sample and certify the same as per the provision of section 52A of NDPS Act and accordingly, submit his detail report of inventory and certification to this court along with photographs of the seized materials.

Let a copy of this order be sent to the Ld. Judicial Magistrate, 2nd Court, Dinhata for his information and necessary action.

Let another copy of this order be handed over to the I.O. SI Asraf Alam of Dinhata PS under Dinhata Sub-Division for information and taken necessary action.

To 30.09.2024 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)