

**THE COURT OF ADDITIONAL SESSIONS JUDGE, 1<sup>st</sup> COURT(NDPS), SADAR,**

**COOCH BEHAR**

**NDPS Case No. 77 of 2024**

Ref : Pundibari PS case No. 817/2024 dated 05.10.2024

u/s 20(b)(ii)(C)/25/29 of the NDPS Act

Present : Mukul Kumar Kundu

Additional Sessions Judge,

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

JO Code No. WB00654,

Order No. 7

dated 03.12.2024

Today is fixed for hearing of the shown arrest prayer.

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

In view of earlier order on the basis of production warrant accused **Bharat Barman** is produced from J.C. who is in custody in connection with Kotwali PS case No. 1176/24 dated 24.11.2024 u/s 25(1-A)/27 Arms Act.

I.O. SI Abhishek Mahato of Pundibari PS, Cooch Behar appears today along with case diary and submits a prayer for five days police remand of the involved accused namely Bharat Barman on the ground as stated therein.

Considering the case diary and submission the prayer for shown arrest as prayed for is allowed and accused **Bharat Barman** be taken into custody.

Two bail petitions along with separate Vakalatnama are filed on behalf of the accused **Bharat Barman** praying for bail on the ground stated therein out of which one bail petition is not pressed and rejected.

**ORDER REGARDING BAIL PETITION**

Now another bail petition filed today on behalf of the above accused person by Ld. Advocate Mr. Bimal Ch. Sarkar **is** taken up for hearing.

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

Now the bail petition is taken up for hearing.

Heard both sides.

Perused the materials on record and submission.

Ld. Lawyer for the above accused submits that accused person has been falsely implicated in this case. He further submits that he has a permanent residence in the locality and will not be abscond if on bail, 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 considering the P.C. prayer.

Perused the case record and submission.

On perusal of the case record and case diary it appears that prima facie there are sufficient incriminating materials against the above accused for the alleged offence. Moreover, the investigation is an early stage and therefore, bail prayer of the above accused may not be allowed.

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Considering all aspects and nature of offence, I am not inclined to enlarge accused person on bail at this stage. Hence prayer for bail in respect of accused person **Bharat Barman** stands rejected.

**ORDER REGARDING PRAYER OF POLICE CUSTODY**

Now the record is taken up for consideration of prayer dated 03.12.2024 of P.C. as sought for by the I.O. I.O. has appeared by producing case diary and has prayed for five days police custody of above named accused person in connection with this case which has been recommended and forwarded by his superior officer.

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 five days P.C. in order to recover more ganja, to hold raid and search leading to confessional statement, to interrogate him thoroughly, to ascertain the persons operating the chain of illegal drug racket and to ascertain the present where about of their gang members which has been forwarded and recommended by Superior Police officer. The prayer as sought for by the I.O. is necessary for the purpose of investigation and the same should be allowed. Accordingly prayer of I.O. as sought for in respect of accused **Bharat Barman** for police remand is allowed only for **three** days from this day and produced him before this Court on **06.12.2024**.

Accordingly I.O. SI Abhishek Mahato of Pundibari PS, Cooch Behar is directed to not to make any type of torture upon the accused person namely **Bharat Barman** both physical or mental during the period of P.C. and to take necessary arrangement of medical examination of the aforesaid accused person at any Govt. Hospital in 48 hours interval and to produce him before the Court on **06.12.2024**. He is also directed to examine the accused person medically in any Govt. hospital before his production in Court and follow the guideline of the Hon'ble Apex Court and Human Rights Commission strictly during the P.C. period.

Let the case diary be returned to the I.O. at once.

Todate (04.12.2024) for production of accused Subhankar Mandal and I.O.'s report.

To 06.12.2024 for production of accused **Bharat Barman** from police custody.

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

Let another copy of this order be handed over to the I.O. SI Abhishek Mahato of Pundibari PS, Cooch Behar for information and taking necessary action.

Dictated & Corrected by,

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

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