

NDPS Case No. 117 of 2025
(Arising out of PTN Case No. WBCB01P0004112025)

Order No. 16
dated 24.10.2025

Received supplementary case record from the Vacation Court, Cooch Behar along with charge-sheet and connected documents vide order dated 08.10.2025 along with charge-sheet and accused copy. Let it be kept with the record.

It appears from the supplementary record that on 08.10.2025 I.O. submitted charge-sheet against accused person and thereafter cognizance for the offence u/s 20(b)(ii)(C) of the NDPS Act was taken against sole accused Mosharaf @ Mosarob Hossain by the Vacation Judge, Cooch Behar.

Accused Mosharaf @ Mosarob Hossain is in J.C. till 22.10.2025/ 03.11.2025 on account of Annual Puja Vacation started from 29.09.2025 to 23.10.2025.

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

A put up petition along with a bail petition and copy of mail dated 09.10.2025 is filed on behalf of accused Mosharaf @ Mosarob Hossain praying for bail on the ground as stated therein.

Copy served.

Now the bail petition is taken up for hearing in presence of both sides.

It is submitted by the Ld. Advocate for the accused Mosharaf @ Mosarob Hossain that the accused is in custody since 12.04.2025 but charge-sheet has not been submitted till 09.10.2025 when he already submitted bail application through e-mail for which the accused is entitled to get default bail. Therefore, he prays for bail of the accused in any terms and conditions.

Ld. PP in charge opposes the bail prayer as charge-sheet has already been submitted during the period of puja vacation on 08.10.2025 before the Vacation Judge, Cooch Behar which is within the statutory period and therefore the accused is not entitled to get bail.

Having heard the submission of both sides and on perusal of the case record as well, I find that this is a case u/s 20(b)(ii)(C) of the NDPS Act as huge quantity of narcotic substance (24.1 kg of Ganja like substance) have been allegedly recovered which is commercial quantity in nature for which no such benefit could have been extended to him in view of section 37 of NDPS Act in this regard. Moreover the charge-sheet has already been submitted in this case on 08.10.2025 before the Vacation Judge, Cooch Behar and cognizance was taken subsequently which is within the statutory period of 180 days but the accused intimated that he filed bail application through e-mail on 09.10.2025 for which the accused is not entitled to get default bail. Therefore the bail prayer of the accused may not be allowed.

Considering all aspects and nature of offence as well as the charge-sheet has already been submitted within the statutory period, I am not inclined to enlarge accused on bail. Hence prayer for bail in respect of accused Mosharaf @ Mosarob Hossain stands rejected.

Todate (22.10.2025/ 03.11.2025) for production.

Dictated & Corrected by,

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

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