

NDPS Case No. 125 of 2025
(Arising out of PTN Case No. WBCB01P0004752025)

Order No. 17
dated 24.10.2025

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

On 17.10.2025 I.O. submitted charge-sheet against three accused persons and thereafter cognizance for the office u/s 21(C)/29 of the NDPS Act was taken against accused Rahul Islam and Anichur Islam @ Anichur Rahaman @ Bapi and Asraful Hque by the Vacation Judge, Cooch Behar.

I.O. has also prayed for issuance of WA against accused Asraful Hque in this case and discharge of accused Safikul Islam from this case which were kept pending for order.

Accused Rahul Islam and Anichur Islam @ Anichur Rahaman @ Bapi are in J.C. till 27.10.2025.

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

A bail petition along with copy of mail dated 23.10.2025 is filed on behalf of accused Rahul Islam 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 Rahul Islam that he has been falsely implicated in this case and charge-sheet has not been submitted during that time i.e. till 23.10.2025 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 17.10.2025 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 21(C)/29 of the NDPS Act as huge quantity of narcotic substance (103 number of Eskuf cough syrup bottles and 18 grams Yaba tablets) 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 17.10.2025 before the Vacation Judge, Cooch Behar and cognizance was taken subsequently which is within the statutory period of 180 days for which the accused is not entitled to get default bail as claimed on 23.10.2025. 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, I am not inclined to enlarge accused on bail. Hence prayer for bail in respect of accused Rahul Islam stands rejected.

The prayer of the I.O. for issuance of WA against accused Asraful Hque is rejected however, let a notice be issued against accused Asraful Hque.

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Contd...dated 24.10.2025

In respect of prayer of the I.O. regarding discharge of another accused Safikul Islam, let a notice be issued to defacto complainant SI Rahul Oraon of Sahebganj PS.

Todate (27.10.2025) for production and copy.

Dictated & Corrected by,

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

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