

NDPS Case No. 27 of 2024

Order No. 8

dated 26.11.2025

Today is fixed for production and further examination of PW2.

Accused Prem Kumar Sarkar and Prasenjit Sarkar are produced from J.C. through V.C. and remanded to J.C. till next date.

Ld. Special PP for NCB and the Ld. Lawyer of the accused are present.

PW2 did not appear today.

Prosecution files a petition along with copy of letter of Superintendent of NCB praying for time for adducing evidence of PW2 on the ground as the witness is under going training at Chhatisgarh.

Heard. Considered. The prayer as sought for is allowed.

A bail petition is filed on behalf of the accused Prasenjit Sarkar and Prem Kumar Sarkar praying for bail on the ground stated therein.

Copy served.

Now the bail petition is taken up for hearing.

Heard both sides.

It is submitted by the Ld. Advocate for the above accused persons that they have been falsely implicated in this case and will not abscond if on bail. So, they may be granted bail in any terms and conditions.

On the contrary Ld. Special PP for NCB oppose the bail prayer considering the nature of offence and involvement of the accused persons in the offence.

Perused the materials on record and submission.

Having heard the submission of both sides and on perusal of the case record I find that this is a case u/s 8(c) & 20(b)(ii)(c)/29 of the NDPS Act where huge quantity of ganja like substance which is commercial quantity in nature was recovered from the living house of the accused persons and there are sufficient incriminating materials against the accused persons including accused Prasenjit Sarkar for which no such benefit could have been extended to them in view of section 37 of NDPS Act in this regard. Moreover, after framing charge one witness has been examined as PW1 and another witness has been examined in part as PW2 and remaining witnesses are yet to be examined. If the accused be released on bail there is every chance of hampering the trial of the case.

Considering all aspects and grievous nature of offence, I am not inclined to enlarge accused on bail at this stage. Hence prayer for bail in respect of accused Prasenjit Sarkar and Prem Kumar Sarkar stands rejected.

On perusal of the case record it appears that date of order number 1 in connection with this case have been wrongly written as 24.01.2024 instead of 24.01.2025 which is merely a clerical mistake and need to be rectified and let the appropriate order date be read after necessary correction.

Inform all concerned.

To 06.01.2025 for production and further examination of PW2.

Dictated & Corrected by,

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

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