

Special NDPS Case No. 2/2022

Order No. 11
Dated. 19.04.2022

All the three accused person namely Prakash Pradhan, Suk Bahadur Subba and Rakesh Shah are produced from J/C and remanded to J/C till 02.05.2022.

Ld. Addl. P.P. Mr. M. Ali and the Ld. Defence counsel Mr. Rajiv Parajuli for the accused person Rakesh Saha and Mr. Anal Rai, Ld. Advocate for the accused persons Prakash Pradhan and Suk Bahadur Subba are present.

Two bail petitions are filed today.

I.O has also produced the C.D.

Today is fixed for hearing bail petitions.

The bail petitions are taken up for hearing in presence of both sides.

Ld. advocates appearing for the accused persons submit that the accused persons are in custody for more than 70 days and the seized materials does not fall under the category of commercial quantity and as such it does not come under the provision of 22(c) of the NDPS Act. It is also submitted by the Ld. Advocates that the accused persons are innocent who may be released on bail on any condition whatsoever since the statutory period is over and there is no such prayer by the I.O for the extension of time.

Ld. Addl. P.P. Mr. M. Ali also submits that the accused persons are in custody for more than 70 days and the seized materials does not fall under the category of commercial quantity.

Perused the bail petitions, C.D and other materials available on record.

Considering the submission of both sides, I find that the accused persons are in custody for more than 70 days and there is no such prayer by the I.O for extension of time. Moreover, the seized articles does not fall under the category of commercial quantity.

Accordingly, I do not find any convincing ground for detention of the accused persons.

Thus, the accused persons namely Prakash Pradhan, Suk Bahadur Subba and Rakesh Shah may find bail of Rs. 3000/- with two sureties of Rs. 1500/- each of whom one must be local subject to the satisfaction of the Ld. Chief Judicial Magistrate, Kalimpong I/d to J.C.

Copy of the order be sent to the Ld. Chief Judicial Magistrate, Kalimpong.

If on bail, the accused persons are directed to meet the I.O once in a week till further order.

Fix 02.05.2022 for production and I.O's report.

C.D be returned.

D&C by me

Sd/-

Judge, Spl. Court (NDPS)
Kalimpong

Sd/-

Judge, Spl. Court (NDPS)
Kalimpong