

In the Court of the Ld. Addl. Dist. & Sess. Judge, 1st Court (NDPS), Cooch Behar

NDPS Case No. 110 of 2024

(Arising out of Dinhata P.S. Case No. 601/24 dated 26.11.2024)

Present : Mukul Kumar Kundu
Additional Sessions Judge,
1st Court, (NDPS), Cooch Behar.
JO Code No. WB00654,

Order No. 19
dated 03.06.2025

Today is fixed for production and I.O.'s report.

Out of two accused persons, one accused namely Saddam Hossain is produced from J/C through V.C.

Remaining accused Matiyar @ Matiar Rahaman on court bail is present by filing hazira.

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

A bail petition is filed on behalf of the custody accused namely Saddam Hossain praying for bail on the ground as stated therein.

Copy served.

Ld. PP-in-Charge and Ld. Advocates on behalf of the accused person are present.

Heard both sides.

It is submitted by the Ld. Advocate on behalf of the above accused Saddam Hossain that he has been falsely implicated in this case and is in custody more than 180 days but the Charge-sheet has not yet been submitted by the I.O. as this case leads commercial quantity. For the aforesaid reasons, the right of default/statutory bail has been accrued after expiry of 180 days from the dates of first production of the accused persons i.e on 26.11.2024 before this Court. So, he may be granted bail in any condition and circumstances.

It is submitted by the Ld. Advocate on behalf of the above accused by filing two separate affidavits that one bail application u/s 483 of BNSS is pending before the Hon'ble High Court, Circuit Bench at Jalpaiguri but no such bail petition u/s 483 of BNSS was rejected by the the Hon'ble High Court, Circuit Bench at Jalpaiguri with respect of the above accused Saddam Hossain. He further undertakes that he will not press the bail petition vide CRM (NDPS) No. 201 of 2025 on the opening date at Circuit Bench Jalpaiguri and also submit the document before this Court as soon as possible.

Ld. PP- in- Charge does not dispute the submission of the Ld. Advocate on behalf of the custody accused person regarding accrued of right of default/statutory bail of the custody accused after expiry of statutory period of 180 days from the date of first production of the accused person as the charge-sheet of this case has yet not been submitted by the I.O. Therefore, he submits when charge sheet has not been submitted within statutory period of 180 days necessary order may kindly be passed.

Having regard to the submissions of both sides and on perusal of the case record, I find that this is a case under section 20(b)(ii)(C)/27(A)/29 of The NDPS Act and the case relates to commercial quantity. It further appears that the custody accused Saddam Hossain was produced before this court on 26.11.2024 and the right of default / statutory bail is already been accrued after expiry of 180 days from the date of production of the accused i.e. on 25.05.2025 was 181 days but as 25.05.2025 was holiday been Sunday and summer vacation was started from 26.05.2025 to 31.05.2025 the accused could not pray for bail. During such period no charge-sheet was submitted

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contd. dated 03.06.2025

by the I.O as reported by B.C. II of this Court or that no extension prayer for further investigation is submitted either by I.O. or by the prosecution as per law in respect of this case which relates to the commercial quantity.

I considered the submission of the Ld. Advocate for the accused Saddam Hossain which is reasonable and justified one. Apart from that pending of any application for bail cannot interdict the statutory right of bail so accrued upon by the accused even no such prayer was made either by the Ld. PP-in-charge or the I.O. for further detention of the accused person beyond the period of 180 days. In this situation the accused Saddam Hossain is entitled to get default/ statutory bail as per law as the Charge-sheet has not been submitted within the statutory period of 180 days from the date of their first production because till today no charge-sheet has been submitted by the I.O.

Considering all aspects and submission, I am inclined to enlarge the accused Saddam Hossain on bail with certain conditions. Hence, the prayer for bail in respect of Saddam Hossain is allowed.

Accordingly accused person namely **Saddam Hossain** shall be released on interim bail on furnishing bond of Rs. 20,000/- (rupees twenty thousand) with two sureties of Rs. 10,000/- (rupees ten thousand) each one of whom must be a local and shall also report his place of residence and on condition to meet with the I.O. if required for the purpose of investigation and also on condition not to leave the jurisdiction of this court without permission of the court and shall appear before this court on every schedule date of substantive hearing until further order and shall not intimidate the witnesses and/ or tamper with evidence in any manner whatsoever, subject to the satisfaction of Ld. CJM., Cooch Behar.

To 10.06.2025 for appearance, if on bail and I.O's report.

Let a copy of this order be sent to the Ld CJM, Cooch Behar for information & necessary action.

Let a copy of this order be sent to the I.O. through I.C. Dinhata P.S. for information and taking necessary action.

Dictated & Corrected by,

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

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