

ST No- 05(08)/2024

Order No. 01

Dt. 13.8.24.

Today is fixed for production, appearance and consideration of charge.

Accused persons namely Alamin Byapari, Rahul Sekh and & Badsha Khan have filed their hazira and are present before this court. Accused Israt Ali is produced from J.C. today. Ld. Advocates of both sides are present. Now, the case is taken up for consideration of charge.

Heard both sides and found that the materials on record and the existing evidence suggest to frame the charge against accused persons namely Badsha Khan for the offences punishable u/s 21(c) and u/s 29 read with section 21(c) of The NDPS Act and against accused persons namely Alamin Byapari, Rahul Sekh and & Badsha Khan for the offence punishable u/s 29 read with section 21(c) of The NDPS Act. The substance of accusation for the respective offences is read over and explained to the respective accused persons to which they separately pleaded not guilty by saying "আমি নির্দোষ" and claimed to be tried.

Formal charge has been framed separately in detail on separate sheet.

The following evidence schedule is now drawn up for recording the evidence of witnesses in this case.

<u>Date</u>	<u>C.S.W.</u>
24.02.25	1
25.02.25	2, 3
26.02.25	4, 5
27.02.25	6, 7

Issue summons accordingly.

One bail petition is filed on behalf of accused Israt Ali @ Ersadul Haque today which is now taken up for hearing and order in presence of both the sides.

Ld. Advocate on behalf of the accused person moved the bail petition and submitted that this accused person is in custody since 28.6.24 after he had surrendered before this court. He also submitted that no recovery of Phensedyl was made from the possession of this accused person and that the principal accused person and others are already on bail in this case. He prayed that the accused petitioner may be enlarged on bail under any terms and conditions.

Ld. P.P. in-charge for the State raised objection against the prayer for bail.

I have perused the record and materials in the C.D carefully. It appears from the record that no recovery of Phensedyl was made from the possession of this accused person and that there is no other material in the CD, save and except that he was present with the principal accused persons and had managed to flee away before being apprehended. The investigation of this case is already over co-accused are all on bail. The accused petitioner has himself surrendered before this court although he had jumped bail earlier in this case.

Considering the above facts and circumstances, this Court is of the opinion that the accused petitioner is able to rebut the statutory limitations on grant of bail given in sec. 37(1)(b)(ii) of The NDPS Act and hence his bail petition is hereby considered and allowed on this day. Accused **Israt Ali @ Ersadul Haque** may be enlarged on bail on furnishing bond of Rs. 5,000/- (five thousand) with two registered sureties of Rs.2500/- (two thousand five hundred) each, to the satisfaction of Ld. CJM., Cooch Behar on condition that the petitioner shall not try to intimidate/influence any of the witnesses of this case and shall not commit offence on bail. Further, the accused person must not remain absent on any date fixed in this case without justifiable cause.

To 24.02.25 for production/appearance, if on bail and evidence.

Dictated & Corrected by,

Sd/-

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

Sd/-

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Cooch Behar (NDPS)**