

CHARGES WITH SIX HEADS

[No. XXVII (II), SCHEDULE V, ACT V, 1808]

Sections 221, 222, 223, Code of Criminal Procedure.

I, (i) **Shri Manoj Kumar Prasad,**
Additional District & Sessions Judge, 3rd Court -cum-ADJ,
Special (NDPS) Court,
Balurghat, Dakshin Dinajpur.

hereby charge you ⁽²⁾

as follows:-

**Nirup Sarkar, Saddam Hossain, Chhotka @ Chhoton
Ghosh and Narayan Biswas**

Firstly--- That on 07.03.2025 in between 21.45 hrs to 22.45 hrs at BOP Hamjapur, under PS Gangarampur, Dakshin Dinajpur BSF personnel of BOP Hamjapur apprehended Nirup Sarkar and found that tried to smuggle of 1400 nos. of Phensedyl bottles containing "Codeine and chlorpheniramine" amounting to commercial quantity with the help of Saddam Hossain, Chhotka @ Chhoton Ghosh and Narayan Biswas without any valid documents for the purpose of sell or transport and you have thereby committed an offence punishable **U/S.21(c) of the N.D.P.S. Act**, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Secondly--- That on 07.03.2025 in between 21.45 hrs to 22.45 hrs at BOP Hamjapur, under PS Gangarampur, Dakshin Dinajpur BSF personnel of BOP Hamjapur apprehended Nirup Sarkar and found that tried to smuggle of 1400 nos. of Phensedyl bottles containing "Codeine and chlorpheniramine" amounting to commercial quantity with the help of Saddam Hossain, Chhotka @ Chhoton Ghosh and Narayan Biswas without any valid documents for the purpose of sell or transport and you have thereby committed an offence punishable **U/S.22(c) of the N.D.P.S. Act**, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Thirdly--- That on 07.03.2025 in between 21.45 hrs to 22.45 hrs at BOP Hamjapur, under PS Gangarampur, Dakshin Dinajpur BSF personnel of BOP Hamjapur apprehended Nirup Sarkar and found that tried to smuggle of 1400 nos. of Phensedyl bottles containing "Codeine and chlorpheniramine" amounting to commercial quantity with the help of Saddam Hossain, Chhotka @ Chhoton Ghosh and Narayan Biswas without any valid documents for the purpose of transship, export or import and you have thereby committed an offence punishable **U/S.23(c) of the N.D.P.S. Act**, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Fourthly--- That on 07.03.2025 in between 21.45 hrs to 22.45 hrs at BOP Hamjapur, under PS Gangarampur, Dakshin Dinajpur BSF personnel of BOP Hamjapur apprehended Nirup Sarkar and found that used Vehicle (Four wheeler XUV 500 White colour) bearing registration no. WB58AL/2888 with a view to 1400 nos. of Phensedyl bottles containing "Codeine and chlorpheniramine" amounting to commercial quantity with the help of Saddam Hossain, Chhotka @ Chhoton Ghosh and Narayan Biswas without any valid documents for the purpose of transship, export or import and you have thereby committed an offence punishable **U/S.25 of the N.D.P.S. Act**, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Fifthly--- That on 07.03.2025 in between 21.45 hrs to 22.45 hrs at BOP Hamjapur, under PS Gangarampur, Dakshin Dinajpur BSF personnel of BOP Hamjapur apprehended Nirup Sarkar and found that tried to smuggle of 1400 nos. of Phensedyl bottles containing "Codeine and chlorpheniramine" amounting to commercial quantity with the help of Saddam Hossain, Chhotka @ Chhoton Ghosh and Narayan Biswas without any valid documents for the purpose of transship, export or import and you have financed the said illicit traffic and you have thereby committed an offence punishable **U/S.27A of the N.D.P.S. Act**, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Sixthly--- That on 07.03.2025 in between 21.45 hrs to 22.45 hrs at BOP Hamjapur, under PS Gangarampur, Dakshin Dinajpur BSF personnel of BOP Hamjapur apprehended Nirup Sarkar and found that tried to smuggle of 1400 nos. of Phensedyl bottles containing "Codeine and chlorpheniramine" amounting to commercial quantity with the help of Saddam Hossain, Chhotka @ Chhoton Ghosh and Narayan Biswas thus you attempted to commit an offence punishable under the NDPS Act or to cause such offence to be committed and in such attempted did any an act, and you have thereby committed an offence punishable **U/S.28 of the N.D.P.S. Act**, and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Seventhly--- That on 07.03.2025 in between 21.45 hrs to 22.45 hrs at BOP Hamjapur, under PS Gangarampur, Dakshin Dinajpur, you both being a party to a criminal conspiracy to commit an offence punishable under the provision of NDPS Act and you both have thereby committed an offence punishable u/s. 29 of NDPS Act and within my cognizance of this Court.

And I hereby direct that you be tried by this Court on the said charge.

The contents of the charges are read over and explained to the accused persons in Bengali to which he pleads **not guilty** and claims to be tried.

Dated, the 09th day of January, 2026.

**Special Judge (under NDPS
ACT)-cum-ADJ, 3rd Court,
Balurghat, Dakshin
Dinajpur.**

In the Court of the Additional District & Sessions Judge, 3rd Court,
Dakshin Dinajpur at Balurghat
NDPS Case No.14 of 2025 (Computer Registration No.16/2025)
(Session Trial No. 06/2026) CNR No.WBDD01-001874-2025.
Present :- Shri Debarghya Prasad (J.O Code No.WB 00886).

Order No.01
09.01.2026

Accused persons namely Nirup Sarkar, Saddam Hossain, Chhoton Ghosh and Narayan Biswas produced from J.C and remanded to J.C till next date.

Today is fixed for consideration of charge.

A bail petition is also filed on behalf of the accused persons namely Chhoton Ghosh and Narayan Biswas. Copy served. The said petition is taken up for hearing.

Ld. Adv for the accused person prays for bail on the ground of non-absconion as the accused being local resident. It is further submitted that the accused is seriously ill. The prayer is opposed by the Ld. P.P as the case is lying at the stage of Consideration of Charge.

Heard both sides and considering the materials on record including the quantity of seizure of contrabands, the prayer for bail of accused Chhoton Ghosh and Narayan Biswas is hereby **rejected**.

The learned P.P-in-charge and the learned advocate for the accused person are present.

Record is taken up for framing of charge.

Heard both sides. Perused the materials on record and the case diary. Considered.

Considering C.D. and material on record, it appears that a prima facie charge under Sections **21(c)/22(c)/23(c)/27A/28/29 of N.D.P.S** is made out against accused persons namely Nirup Sarkar, Saddam Hossain, Chhoton Ghosh and Narayan Biswas.

The contents of charge, is read over and explained to the accused person to which he pleaded **not guilty** and claimed to be tried.

Formal charge is written in separate sheet and kept in the record.

Heard both sides in order to ascertain if they wish to carry out admission of any document under Section 294 of the Cr.P.C. The accused refused to carry out any such admission.

The petition is taken up vide order dated 04.12.2025 of accused Saddam Hossain stating that as per order of the Hon'ble High Court vide CRM (NDPS) no. 1012 of 2025 dated 04.12.2025, this Court is directed to release the accused on bail after the stage of consideration of charge is over on such terms and condition as it deems fit and proper for ensuring the presence of the accused.

Perused the case record.

Considered.

After perusal of the case record it appears that the charge has already been framed in this case on 09.01.2026 against accused Saddam Hossain.

Therefore, as per order of Hon'ble High Court in CRM (NDPS) no. 1012 of 2025 dated 04.12.2025, the accused person namely Saddam Hossain may find bail of Rs. 10,000/- with two sureties of Rs. 5,000/- each i.d. to J/C, out of whom one must be local, subject to the satisfaction of Ld. Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur I.d. to J.C.

Another petition is taken up vide order dated 18.11.2025 of accused Nirup Sarkar stating that as per order of the Hon'ble High Court vide CRM (NDPS) no. 1433 of 2025 dated 18.11.2025, this Court is directed to release the accused on bail after the stage of consideration of charge is over on such terms and condition as it deems fit and proper for ensuring the presence of the accused.

Perused the case record.

Considered.

After perusal of the case record it appears that the charge has already been framed in this case on 09.01.2026 against accused Nirup Sarkar.

Therefore, as per order of Hon'ble High Court in CRM (NDPS) no. 1433 of 2025 dated 04.12.2025 and 18.11.2025 respectively the accused persons namely Nirup Sarkar may find bail of Rs. 10,000/- with two sureties of Rs. 5,000/- each i.d. to J/C, out of whom one must be local, subject to the satisfaction of Ld. Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur I.d. to J.C.

Fix 09.04.2026 for evidence of CSW No. 1 and 2.

10.04.2026 for evidence of CSW No. 3 and 4.

13.04.2026 for evidence of CSW No. 17 and 18.

16.04.2026 for evidence of CSW No. 20 and 21.

Issue Summons accordingly.

Let a copy of this order be send to Ld. CJM for information and necessary action.

Dictated & corrected by me

**Special Judge (under NDPS
ACT)-cum-ADJ, 3rd Court,
Balurghat,Dakshin
Dinajpur.**

**Special Judge (under NDPS
ACT)-cum-ADJ, 3rd Court,
Balurghat,Dakshin
Dinajpur.**