

In the Court of Special Judge (under NDPS ACT)-cum-Additional District & Sessions Judge 3rd Court, Dakshin Dinajpur at Balurghat.

Special Case No. 99 of 2022 (CIS No. 182/22)

CNR Number : WBDD01-002853-2022 (JO Code: WB00779)

Present: Shri. Manoj Kumar Prasad, Special Judge (under NDPS ACT)-cum-Additional District & Sessions Judge 3rd Court, Dakshin Dinajpur at Balurghat.

Order No. 29

20-09-2023

Accused Debendra Ahuja is produced from J.C. and remanded to J.C till next date.

Accused Kaimuddin Miah on court bail is present by filing hazira.

Ld. Lawyer for the accused Debendra Ahuja today has filed a bail petition. It is submitted that in this case after submission of charge sheet being show cause for the court, the IO of this case filed a supplementary charge sheet with a pryer for discharge one of the accused against whom at the time of filing the final report. IO did not mentioned whether that accused was sent up or not sent up.

Subsequently CID taken over the investigation of this case and this accused was shown arrest of this case.

It is submitted Ld. Lawyer for the accused person that there is nothing against the accused person and no evidence collected by the IO against this accused person. The accused being harrassed ashe kept in J.C for without any reason in connection of this case.

Ld. P.P. raised strong objection and submitted that there was transaction of crores of rupees in the account of accused during short span of time which are the money illegally acquired by the accused related to the transportation of Narcotic Drug.

Heard both sides.

To considered the bail petition is required.

Call for CD.

Today a report has been received from the Inspector police of Narcotic Cell CID, West Bengal to return the Voter Card, PAN Card and Aadhaar card which seized from accused Kaimuddin Mia kept at PS Malkhana and the accused already got bail in this case and charge sheet has submitted.

Ld. Lawyer for the accused person prayed for return of the document.

Ld. P.P. raised no objection.

Inspector of police neither raised objection nor stated his no objection in returning the personal document of the accused.

Contd.....Order No. 29
20-09-2023

Heard both sides.

It appears to me that if the documents return to the accused then the trial of this case no way suffer. These are the personal document of the accused. The document i.e. Voter Card, PAN Card and Aadhaar card of the accused Kamuddin Miah be returned to him.

To 04.10.2023 for Production, Appearance and report in final form.

A copy of this order be sent o I.C Gangarampur PS for information and necessary compliance.

Dict & Corr by

sd/-

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

sd/-

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

Special Case No: 23 of 2022
CIS Registration No. 39 of 2022
CNR No: WBDD01-000621-2022
Present: Sri. A.N.Bhattacharya (JO Code WB00819)
Special Court, NDPS Act at Balurghat

Order No: 17

Date: 02.09.22

Today is fixed for appearance (2), Production (1), Report in final form and also report regarding return of seized articles from the IO.

Both the accused persons on c/b are present by filing hazira.

Accused Amrit Saha is produced from J/C and remanded to J/C till the next date.

Ld. PP files hazira.

No report in final form is received.

A bail application is filed on behalf of the accused Amrit Saha praying for bail on the grounds mentioned therein. Copy served.

The said petition is taken up for hearing.

Ld. Advocate for the accused person submits that the accused person is a local resident within the jurisdiction of this Court and will not abscond if he is released on bail.

Strong objection is made by Ld. PP.

Considering the materials on record and the quantum of seized contraband articles, the prayer for bail of accused Amrit Saha stands rejected.

Received a report from the IO of this case who has raised objection regarding the return of the seized motor cycle on the ground that the said motor vehicle was used to transport the contraband articles in this case.

Considered the submissions of both the sides.

Now, as per the provisions of S. 60 (3) of the NDPS Act, 1985, a conveyance used for transportation of contrabands in a case under the NDPS Act, 1985 will be liable to be confiscated unless the owner of the said vehicle proves that it was so used without his knowledge and he had taken proper precaution against such use. So, until it is proved that the conveyance is used for purpose of committing any act under the Act, it cannot be confiscated to the State. In such a situation, the mere fact that a conveyance might have been used for commission of an offence under this Act; cannot be a ground to refuse its return until and unless it is proved in trial that the said vehicle was actually used for commission of the offence.

As such, I find no reason not to return the seized the motorcycle to its registered owner. Accordingly let the seized motor cycle bearing no. WB-62/H-0063 be return to its registered owner on proper verification and identification on furnishing a bond of Rs. 60,000.00 by the registered owner of the said motor cycle and on condition that he will not change the vehicle or any part thereof or dispose of the same without the permission of this Court. The IO of this case is directed to take a photograph of the vehicle and preserve the same in the CD for future reference.

Let a copy of this order be forwarded to the IO of Hili PS Case No. 73 of 2002 for information and necessary action after the bond as directed above is furnished and accepted.

To **15.09.2022** for appearance (2) production (1) and report in final form

D/C:

Special Court, NDPS Act,
NDPS Act
Balurghat

Special Court,
Balurghat