

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

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

**CNR Number : WBDD01-002853-2022 (JO Code: WB00830)**

**Present: Shri. Santosh Kumar Pathak, in-charge of Special Judge (under NDPS ACT)-cum-Additional District & Sessions Judge 3<sup>rd</sup> Court, Dakshin Dinajpur at Balurghat.**

Order No. 33

23-11-2023

Today is fixed for Production, appearance and ER of WA.

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.

Heard Ld. Lawyer for the accused persons as well as the Ld. P.P. in-charge.

It has been submitted by the Ld. Lawyer for the accused persons that the name of the accused/petitioner was not reflected in the charge sheet earlier filed by the Investigating Officer but his name has been now reflected in the supplementary charge sheet filed by the Investigating Officer. Ld. Advocate for the accused persons questioned the approach of the IO with regard to not reflected the name of the accused in the charge sheet earlier filed against the other accused persons.

Ld. P.P. countered the submission of the Ld. Advocate for the accused referring to the CDRs in the case diary.

Having considered the submissions made by the both side and on perusal of the case record as well as the case diary it appears that the charge sheet has been submitted against the accused persons. The prima facie case has been made out against the accused person.

In view of the reflection imposed under section 37 of the NDPS Act 1985, the bail prayer of the accused person is considered and **rejected**.

Return CD.

Fix 13.02.2024 for Production, Appearance and ER of WA.

Dict & Corr by

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

**Special Judge (under NDPS ACT)-  
cum-ADJ, 3<sup>rd</sup> 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