

Special NDPS Case No. 1/2022

Order No. 15

Dated 19.02.2025

Today is fixed for hearing of the bail petition dated 14.02.2025 filed on behalf of the accused Prakash Chettri and the same is taken up for hearing. Ld. Counsel assigned by the DLSA, Kalimpong to represent the said accused is present. Ld. Counsel of the said accused has submitted that this accused was already on bail earlier and as he was not present in the court, therefore, warrant of arrest was issued against him and thereafter, he was arrested and produced in this court on 06.04.2023. It has also been submitted that seven prosecution witnesses have already been examined so far and the old mother of the petitioner/accused Prakash Chettri is alone at home and there is no one else to look after her and the accused has no idea as to how his mother is maintaining herself. Accordingly, a prayer has been made for enlarging the accused on bail.

Ld. Special P.P. (NDPS), Mrs. Mohammadi Yasmin has opposed the prayer for bail of the accused and has submitted that this accused had been granted bail earlier, however, he had misused the provisions of bail and therefore, a prayer has been made for rejecting the bail prayer of the accused.

Considering the facts and circumstances and on going through the case record, it appears that vide order dated 21.03.2022 the said accused Prakash Chettri had been granted bail and thereafter, as he was not present in the court for many dates consecutively, therefore, vide order dated 19.12.2022 warrant of arrest was issued against him and thereafter he was brought under arrest and produced before this court on 06.04.2023 and since then he has been in judicial custody. On perusing the case record, it also appears that about 70 bottles of Onerex cough syrup containing Chlorophenramine Maleate Codeine Phosphate syrup (each bottle containing 100 ml syrup) was recovered from the possession of this accused and the trial of this case is still progressing. Accordingly, in my opinion, considering the allegations levelled against this accused and the recovery of narcotic/psychotropic substance which appears to be of commercial quantity, therefore, in my opinion, it is not a fit case for releasing the accused on bail even though he had been earlier granted bail by this court and only because of misusing the provision of the said bail this accused was arrested. Accordingly, the bail prayer of the accused Prakash Chettri is considered and rejected.

To dates as already fixed earlier for further trial i.e. from 10.04.2025 onwards.

Accused in J/C is to be produced on the dates of trial and accused persons on bail are to remain present on those dates.

D&C by me

Sd/-

Judge, Special Court (NDPS)

Kalimpong in-charge

Sd/-

Judge, Special Court (NDPS)

Kalimpong in-charge