

C.R.(NDPS) CASE NO. 8 OF 2018.

Order No. 37 dated 07.03.2020 :

Accused Dindayal Sha is produced from J.C. Today is fixed for evidence of CSW No.1. Ld. P.P. is present with the complainant Moloy Kanti Mandal who is examined as P.W.1. Documents marked Exhibit-1 to 4. Ld. P.P. then prays for deferring the examination of the witness on the ground that the original documents are not available. Prayer for time is allowed.

To 17.4.2020 for further examination of P.W.1.

Bail petition is filed on behalf of the accused. It is submitted by the Ld. Advocate for the accused that the accused has been in custody for two years though apart from the alleged voluntary statement there is no material against the accused.

Ld. P.P. raises objection.

The amount which was allegedly seized in this case from the tractor that the accused Dindayal Sha was driving is way above the commercial quantity. Considering the materials present in the record, it cannot be said that there is reasonable ground to believe that the accused is innocent. In view of the provision of Sec.37(1)(b)(ii) of NDPS Act, prayer for bail is rejected.

Dict. & corrected by me:

Sd/-
**Judge Special Court
(NDPS) Act, Siliguri.**

Sd/-
**Judge Special Court
(NDPS) Act, Siliguri.**

LATER : Dated : 07.03.2020 :

Ld. Advocate for the accused Dindayal Sha submits that accused Gopal Mahato who is the principal accused in this case is residing in the Kishanganj District and he has been filed for the present owing to the fact that no execution report of W.A. or W.P.A was received. The Ld. Advocate submitted that the accused Gopal Mahato who was granted bail initially has escaped the trial while the accused Dindayal is under custody.

On perusal of record it is found that the name of accused Gopal Mahato, Son of Pritam Mahato of Village Basandubi under P.S. Galgalia, P.O. Churli under District Kishanganj was filed though no report was received in order to expedite trial against accused Dindayal Sha.

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Contd...LATER : Dated : 07.03.2020 :

The Superintendent of Police, Kishanganj is directed to send a report to this Court as to the execution of WPA against accused Gopal Mahato of the above address since the concerned P.S. has failed to respond to the order of this Court.

Let a copy of this order be sent to the Superintendent of Police, Kishanganj.

To-date.

Dict. & corrected by me:

Sd/-

**Judge Special Court
(NDPS) Act, Siliguri.**

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(NDPS) Act, Siliguri.**