

Order no. 39, Dated 05/04/2022

Accused person namely Braj Kishore is produced from the J.C.

A bail petition is filed and moved on behalf of the accused.

The Ld. Advocate submits that this accused person has been falsely implicated in this case and prays for bail.

Ld. Special PP-in-charge raises objection.

Heard both sides.

Perused the bail petition and the case record.

It appears that prima facie commercial quantity of contraband, prohibited under NDPS Act, or in contravention of NDPS Act, has been seized from the accused person. Granting of bail with regard to commercial quantity is barred under section 37 of the NDPS Act. Considering this, gravity of the offence alleged, entire facts and circumstances of this case and nature and quantity of contraband seized, the bail petition stands rejected.

Today is fixed for evidence.

No witness is produced by the prosecution, whereas summon has been duly issued and seems to have been served upon the witness i.e. C.S.W. 1, vide process dt. 25.02.2022.

This case is about 01 years eight months old and the accused persons are in J.C. since more than 01 years eight months and still evidence of C.S.W. 1 is not yet started. Sufficient time has been granted to the prosecution, but the prosecution has not examined even a single CSW.

Thus, issue bailable witness warrant of arrest of Rs. 5,000/- against the C.S.W. 1 Avijit Das.

To 05.05.2022 for production and W.W.A. against the C.S.W. 1 Avijit Das.

D/c by me

Sd/-

Judge, Special Court
NDPS Act, Siliguri

Sd/-

Judge, Special Court
NDPS Act, Siliguri
WB00683