

**JO CODE WB00753**  
**C.R.(NDPS) 130/25 (CIS R No. 130/25)**  
CNR- WBDJ12-000131-2025

Order no.08

Dated- 02.02.2026

Both the accused persons Md. Ashique @ Pappu and Md. Atirul @ Rahul produced through VC mode. One hazira is filed on their behalf.

One bail petition is filed on behalf of the accused persons and moved. Heard both sides present. Considered.

Ld. Advocate for the accused persons praying for bail submits that they are suffering detention in custody since 09.10.2025. In the given case search and seizure was done in presence of the Gazetted Officer who was one of the members of the raid team. This is violation of Section 50 of the NDPS Act. In support the case decisions of (2018)18 SCC 380 and 1998 Cr.LJ 2694 (Ori) are cited.

Ld. PP in charge opposed bail prayer considering the commercial quantity of the seized contrabands.

Both the cited judgments are against the conviction judgment on finding and not at the stage during investigation of the case. At this stage, I have considered the provision U/S 37 of the Act. In view of the seized commercial quantity of the contrabands and the pursuant rigor U/S 37 of NDPS Act, bail prayer of the accused is **rejected**.

Fix **16.02.2026** for production and IO report.

D/c by me

Sd/-  
Judge, Special Court  
(NDPS), Siliguri

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Judge, Special Court  
(NDPS), Siliguri