

CIS No. NDPS 170/2021

In the Court of the Judge (Special Court) under NDPS Act, Siliguri

CR (NDPS) Case No. 170 of 2021

Order no. 08, Dated 14/02/2022

Accused Nabin Roy and Arjun Prasad are not produced before this Court room to avoid overcrowding in view of existing pandemic situation.

A bail petition is filed and moved on behalf of the accused Nabin Roy. Copy served.

The Ld. Advocate submits that this accused person has been falsely implicated in this case. He further submits that provision u/S. 42(1)/50 of the NDPS Act have not been duly complied with. He further submits that the key of the alleged seized scooty has not been seized, that the vehicle used in the alleged raid do not belong to Govt. nor any hire document showing hiring of the vehicles used for the raid. He further submits that the alleged place of occurrence is crowded place, but even then the prosecution has failed to procure independent witnesses. He further submits that the prosecution did not pray for police remand to go into the depth of the alleged case. He prays for bail.

Ld. Special PP-in-charge raises objection.

Heard both sides.

Perused the bail petition and the case record.

The issues pointed by the Ld. Lawyer for the accused are supposed to be raised during the course of the trial. Prima facie there is sufficient materials against the accused persons. Prima facie commercial quantity of contraband, prohibited under NDPS Act, or in contravention of NDPS Act, has been seized from the accused person and the investigation is in progress. 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.

The case is adjourned.

To 28.02.2022 for production & IO's report.

D/c by me

Sd/-

Judge, Special Court
NDPS Act, Siliguri

Sd/-

Judge, Special Court
NDPS Act, Siliguri
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