

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. 11, Dated 14/03/2022

Accused Nabin Roy and Arjun Prasad are produced from the J.C.

One bail petition is filed by the Ld. Defence Counsel on behalf of accused Nabin Roy.

Ld. Remand Advocate files a bail petition on behalf of accused Arjun Prasad.

Both bail petitions are taken up for hearing.

Heard both sides.

Ld. Defence Counsels pray for bail of the accused persons by submitting that they are innocent and they have falsely been implicated in this case.

Ld. Advocate for the accused Nabin Roy submits that in this case the police authority has not complied with the Provision of Section 50 of NDPS Act and even the prosecution has not sent the seized liquid for chemical analysis. He also submits that as per solemn direction of the Hon'ble Supreme Court non-compliance of Provision of Section 50 of NDPS Act is fatal for the prosecution.

Ld. Remand Advocate prays for bail of the accused Arjun Prasad by submitting that he is in custody since 15.11.2021 and if he is released on bail he will face trial.

Ld. Special PP-in-charge raises strong objection by submitting that the commercial quantity of contraband material has been recovered from the possession of the accused persons and granting them bail is barred u/S. 37 of the NDPS Act.

Perused the materials available to me.

Considered.

Considering the facts, circumstances, materials and nature of offence prayers for bail are rejected at this stage.

Accused persons be remanded to J.C. till 28.03.2022.

To 28.03.2022 for production and I.O.'s report.

Call for CD.

D/c by me

Sd/-

Judge, Special Court-in-Charge
NDPS Act, Siliguri

Sd/-

Judge, Special Court-in-Charge
NDPS Act, Siliguri