

Present :- Shri Hemanta Sinha
Judge, Special Court, Narcotic Drugs and
Psychotropic Substances Act, 1985
Purba Medinipur at Tamluk.

TR(NDPS)- 12/2024
Regd No. 11/2024
WBEM0100-5725-2024

Order No.1
03.08.2024

Received formal FIR, suomotu complaint, memos of arrest, seizure lists, inventory list, inspection memo, prayer for certification of inventory, photographs and sample seized , forwarding report, PC remand prayer, etc. altogether with a prayer for police remand of the accused persons for seven (07) days in connection with Panskura PS case no. 606/24 dt. 02-08-2024 u/s20(b)(ii)(c) of NDPS Act, 1985.

Accused persons namely 1) Ajijul Rahaman Molla, 2) Sk. Mirajul 3) Md. Abdul Ajia Ajij Mallick, 4) Sk. Arif and 5) Sk. Khurshid Alam are taken into custody and remanded to JC.

Seen. Let the case be registered as TR(NDPS) Case No.12 of 2024.

One bail application is filed by the Ld. Advocate on behalf of the accused persons.

Ld. PP-in-charge is present.

The application for bail is taken up for hearing.

Heard both sides. Perused the petition praying for bail as well as the C.D.

Ld. Advocate prays for bail of the accused persons on any condition submitting that the accused person is in no way involved with the alleged offence and they have been falsely implicated in this case and nothing has been recovered from their possession and they have their own property and houses and there is no chance of their aboscandance if enlarged on bail.

Ld. PP in charge raises vehement objection against the prayer for bail upon relying on the CD. Ld. PP in charge further submits that huge quantity of contraband ganja has been recovered from the possession of the accused persons which is of commercial quantity.

On careful perusal of the CD as well as materials on record it appears that the on 02-08-2024 at around 10:55hrs SI Sukumar Tudu received a secret information to the effect that the suspected persons were transporting contraband ganja by a private car which was coming from Kharagpur side towards Panskura and after receiving the secret information and after observing all the legal formalities recovered total 34.380kgs of contraband ganja from the joint and conscious possession of the accused persons. The accused persons failed to produce any valid document for possession of such huge quantity of contraband ganja. It also appears from the seizure list that the quantity of the seized contraband ganja is of commercial quantity.

Having heard the submissions of both sides, considering the materials in the CD and nature of offence, I am not inclined to allow the prayer for bail of these accused persons at this initial stage of investigation.

Hence, the prayer for bail of the accused persons stands **rejected.**

D/C by me.

Judge,
Special Court

Judge, Special Court
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Later:- dated 03.08.2024

The Ld. PP-in-charge moves the application seeking police custody of the arrested accused persons namely 1) Ajijul Rahaman Molla, 2) Sk. Mirajul 3) Md. Abdul Ajia Ajij Mallick, 4) Sk. Arif and 5) Sk. Khurshid Alam for seven (07) days duly forwarded by the I.C Panskura PS. I.O of this case, is present. He produces the C.D..

Perused the prayer of the Investigating Officer, of Panskura PS, Purba Medinipur of this case.

It appears that the instant application has duly been forwarded by the SDPO, Tamluk

Considered.

It also appears to me that the accused persons are carrier and the consignor as well as the consignee of contraband are still at large. So, for the purpose of proper and effective investigation of the case and for the purpose of further recovery of more illegal Ganja and to detect the associates in the crime and to arrest them, prayer for police custody should be allowed but at the same time, it appears to me five (05) days police custody would be just and proper for that purpose.

Accordingly, prayer for police custody of accused persons is allowed for 05 (five) days .

The I.O of this case is directed to produce the accused person on 08-08-2024 at 10:30 positively.

The I.O of this case is directed to strictly follow the guideline of Hon'ble Supreme Court of India passed in D.K. Basu's case regarding police custody of an person as well as the relevant provisions of CrPC and the Special Law. It needless to point out that during PC the accused should not be in any way manhandled or tortured and he be produced for medical check up at regular intervals in accordance with law.

To **08.08.2024** for production of accused persons from police custody. Inform the Superintendent of police of the District forthwith.

Let a copy of this order be sent to the Investigating Officer, for information and necessary action.

Dict. & corr. by me,

Judge,
Special Court

Judge, Special Court
Purba Medinipur at Tamluk

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Later order dt. 31-07-24:-

I.O. of this case has also filed a prayer through Public Prosecutor, Tamluk for passing necessary order for certification of inventory of seized narcotic 'ganja' to provide certified inventory, photographs of correctness of inventory and collection of samples and for sending the same to the Director, State Drug Control and Research Laboratory, for examination and report.

Perused the materials on record.

Considered.

It appears that prayer for certification of correctness of inventory before Magistrate, photographs of the entire process and collection of sample is necessary.

Hence, prayer of I.O. is considered and **allowed**.

The Ld. Judicial Magistrate 2nd Court , Tamluk , Purba Medinipur is directed to present in the process of certification of correctness of inventory, photographs of the entire process and collection of sample and to do the needful according to law.

Let a copy of this order be sent to the Learned Judicial Magistrate 2nd Court, Tamluk, Purba Medinipur for information and necessary action.

Let a copy of this order be sent to the I.O of this case for information and necessary action.

Dict. & corr. by me,

S/d-

Judge,
Special Court

S/d-

Judge, Special Court
Tamluk, Purba Medinipur