

JO Code No.WB00885

T R Case No. 1 of 2023

**Order No. 04 Dated: 17-01-2023**

Today is fixed for hearing of the bail petition filed on behalf of the accused Sk. Rajesh.

Copy of bail application is served upon the Ld. Counsel for the Prosecution.

Perused the bail prayer as well as other materials on record.

Heard the Ld. Counsel for the accused person as well as Ld. Counsel for the prosecution.

The Ld. Defence Counsel submits before the court that the accused person is in custody since 11-01-2023. It is also said that the accused person is innocent and has been falsely implicated and would not abscond from the process of the court, if granted bail.

The Ld. Counsel for the prosecution (NCB) has opposed the prayer for bail contending inter alia that commercial quantity of contraband was recovered from the possession of the said accused person. It is also stated that the present accused/petitioner and one other are the principle receiver of the consignment of drugs and his name is also manifest in the NCB-I.

Contraband of commercial quantity (88 kgs of ganja) was purportedly recovered from the possession of the accused Sk. Rajesh and his associates. Accordingly, this case comes within the ambit of section 37 of the NDPS Act, which casts an embargo upon the court to grant bail within the statutory period of investigation. Investigation is at its nascent stage. The fact that the name of the accused Sk. Rajesh transpires in the NCB-I suggest that source information did reveal his name as having nexus in the alleged offence. Therefore, considering the incriminating materials in the CD, coupled with the rigors of section 37 of the NDPS Act, the prayer for bail of accused Sk. Rajesh is considered and rejected.

To date (24-01-2023).

***Dictd. & Corrted. by me,***

***Judge, Special Court,  
under NDPS Act, Howrah.***

***Judge, Special Court,  
Under NDPS Act, Howrah***