

JO Code No.WB00885

T R Case No. 1 of 2023

Order No. 05 Dated: 24-01-2023

Today is fixed for production of the accused persons Md. Samim Ahmed, Janak Kumar Shaw, Md. Azam Qurishi, Md. Safik and Md. Rajesh.

Accused Janak Kumar Shaw and Sk. Rajesh appeared by filing vokatnama and filed a bail petition on the ground stated therein.

Copy not served.

Accused Md. Samim, Md. Safik and Md. Azam Qurashi also appear by filing vokatnama and pray for bail on the ground stated therein.

Copy of bail application filed on behalf of accused Md. Samim, Md. Safik and Md. Azam Qurashi is not served upon the NCB.

Section 37 of the N.D.P.S Act mandates that court cannot hear any bail application involving contraband of commercial quantity unless the prosecution has been given an opportunity of being heard. Since none of the five petitioners have served copy of their bail applications upon the Ld. Counsel for the NCB, this court has no alternative but to hold that the bail applications filed on behalf of the five accused persons namely, Md. Samim, Md. Safik, Md. Azam Qurashi, Janak Kumar Shaw and Sk. Rajesh cannot be heard at this stage.

Fix 30-01-2023 for service of copy of bail applications filed on behalf of accused Md. Samim, Md. Safik, Md. Azam Qurashi, Janak Kumar Shaw and Sk. Rajesh on this day.

Fix 31-01-2023 for hearing of the aforementioned bail applications, if copies thereof are served upon the NCB on 30-01-2023.

Dictd. & Corrted. by me,

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

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