

West Bengal Form No. 3957
H.C. Criminal Form No. (P) 38

T. R Case No. 09 of 2025
CNR No. WBHW-01-003132-2025
JO Code No. WB00910
CHARGE WITH TWO HEADS
[No. XXVIII (II), Schedule V. Act V. 1898]
(Sections 221,222,223, Code of Criminal Procedure)

Name and Officer of Sri Abhijit Ghosh,
Judge, Special Court under N.D.P.S Act, Howrah.

Brief facts of the case :- on 01-05-202, in between 19.45 hours and 22.45 hours, a joint operation of STF West Bengal and police officials of Sankrail P.S conducted a raid at near Dhulagarh Toll Plaza, where five accused persons as mentioned below, were intercepted with two vehicles, one white colour Hyundai Creta bearing number OD 34F-4449 and another one white colour Bolero bearing number OD 02CJ 2639 and upon searching the two vehicles total 101.14 kgs of Ganja was recovered from said two vehicles and you were unable to produce any valid documents in support of your possession of the said Narcotic Substance. Hence, this case.

I hereby charge you

- 1) Sagar Mahanand**
- 2) Ajay Behara**
- 3) Subal Digal**
- 4) Birendra Dighal**
- 5) Sananta Behera**

Firstly : That on 01-05-2025, at about 19.45 to 22.45 hours, when all of you were crossing near Dhulagrah Toll Plaza by two four wheeler vehicles, one white colour Hyundai Creta bearing number OD 34F-4449 and another one white colour Bolero bearing number OD 02CJ 2639, you were intercepted by the joint operation of STF of West Bengal and Police Officials of Sankrail P.S at Kolkata bound Flank of Highway No.6, near Dhulagarh Toll Plaza, beside Indian Oil Petrol Pump under Sankrail P.S, Dist. Howrah and upon searching total 101.14 kgs of Ganja was recovered from said two vehicles and you were unable to produce any valid documents in support of your possession of the said Narcotic Substance and that you, thereby committed an offence punishable under section 20(b)(ii)(C) N.D.P.S Act within the jurisdiction of this Sessions Court.

Secondly :- That in the on 01-05-2025, at about 19.45 to 22.45 hours, when all of you were crossing near Dhulagrah Toll Plaza by two four wheeler vehicle, one white colour Hyundai Creta bearing number OD 34F-4449 and another one white colour Bolero bearing number OD 02CJ 2639, you were intercepted by the joint operation of STF of West Bengal and Police Officials of Sankrail P.S at Kolkata bound Flank of Highway No.6, near Dhulagarh Toll Plaza, beside Indian Oil Petrol Pump under Sankrail P.S, Dist. Howrah and upon searching total 101.14 kgs of Ganja was recovered from said two vehicles and you were unable to produce any valid documents in support of your possession of the said Narcotic Substance and abetment/conspiracy of the commission of the offence U/s 29 of the N.D.P.S Act within the jurisdiction of this Sessions Court.

The charge so framed, is read over and explained to the accused persons in the language understandable to them, to which they plead not guilty by saying “Amra Nirdosh” and claimed to be tried.

Dated: the 2nd day of August, 2025.

Dictated & Corrected by me

Special Judge,

**Judge, Special Court under
N.D.P.S Act, Howrah.**

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Present : Sri Abhijit Ghosh,
Judge, Special Court
under N.D.P.S Act, Howrah.

Order No. 1 dated: 02-08-2025

Today is fixed for consideration of charge, production and hearing of the bail petition dated 29-07-2025 filed on behalf of the accused Subal Digal.

All five accused persons namely, **1) Sagar Mahanand, 2) Ajay Behara, 3) Subal Digal, 4) Birendra Dighal and 5) Sananta Behera** are produced from J/C and placed on dock.

Ld. P.P-in-Charge and Ld. Defence Counsel are present.

The case is taken up for consideration of Charge.

Heard the learned P.P. In-Charge and the learned Advocate for the accused person.

Learned Public Prosecutor submits that a strong prima facie case under Section 21(C)/8(C)/29 of the N.D.P.S Act has been made out against the above named accused persons.

Learned P.P-in-Charge opens the case and describes the charge. He also describes the evidence by which he proposes to prove the guilt of the accused persons.

I have perused the charge sheet, seizure list, statement of witnesses and all other materials on record.

Having considered the submission made by the learned P.P. In-Charge and the learned defence Advocate and having gone through the documents as indicated above, I am of the opinion that there is ground for presuming that the accused persons have committed an offence u/s. 20(b)(ii)(C)/29 of the N.D.P.S Act, which is exclusively triable by this Special Court. Hence, charge under section 20(b)(ii)(C)/29 of the N.D.P.S Act is framed against the accused persons.

Charge so framed, is read over and explained to the accused persons in the language understandable to them, to which they pleaded not guilty of the Charge by saying "Amra Nirdosh" and claimed to be tried.

Fix **23-09-2025** for evidence of CSW-1 and production of the accused persons.

The Prosecution is directed to produce the concerned witness on the date fixed.

Now, the record is taken up for hearing of the bail petition dated 29-07-2025 filed on behalf of accused Subal Digal.

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 02-05-2025. It is also said that the accused person is innocent and have been falsely implicated and investigation of the case has been over and there is no chance of absconction of the accused person.

The Ld. Counsel for the prosecution has opposed the prayer for bail contending inter alia that huge quantity of contraband of total 101.140 kgs of ganja was recovered from the possession of the said accused persons.

Contraband of commercial quantity (101.140 kgs ganja) was purportedly recovered from the possession of the accused person. Accordingly, this case comes within the ambit of section 37 of the NDPS Act, which casts an embargo upon the court. The date of adducing evidence of C.S.W 1 has been fixed. Therefore, considering the incriminating materials in the CD, coupled with the implication of section 37 of the NDPS Act, the prayer for bail of accused Subal Digal is considered and rejected.

All the accused persons are remanded to J/C till 23-09-2025.

Dictated & Corrected by me

Special Judge,

**Judge, Special Court under
N.D.P.S Act, Howrah.**