

JO Code No. WB00910
TR Case No. 19 of 2023
CNR No.WBHW01-003438-2023

Order No. 61 dated: 12.09.2025

Today is fixed for production and hearing of petition for discharge and hearing of petition for production warrant.

Accused Jahanara Begam @ Jahanara Mondal @ Jahanara Bibi on CB is present by filing hazira.

Accused Insan Laskar and Arjun Manna are not produced from correctional home.

The application for prayer for discharge as filed on behalf of the accused Jahanara Begam @ Jahanara Mondal @ Jahanara Bibi is taken up for hearing.

Ld. Advocate of the accused submitted that the petitioner was interrogated in the correctional home and her statement was taken without having any attestation by the jail authorities and statement was not read over and explained to the accused and the present accused was arrested on the basis of the statements of the co-accused and as per judgement of the Hon'ble Supreme Court of India in Sanjeev Chandra Agarwal & Others Vs Union of India the petitioner shall be discharged.

Ld. Advocate further submitted that in this juncture the observation of the Hon'ble Supreme Court of India in Tofan Singh case is also applicable.

Ld. Special P.P of the NCB raised voice of his objection on the ground that the facts enumerated in the judgement of Sanjeev Chandra Agarwal & Others Vs Union of India was different from the present facts and circumstances. In reply to the judgement of Sanjeev Chandra Agarwal & Others Vs Union of India as cited by the petitioner, Ld. Special P.P of the NCB relied upon the case decision in CRR 2066 of 2019 passed by Hon'ble High Court at Calcutta and also drew the attention of the court to the supplementary complaint against the commission of offence for violating provision u/s 8(c)/20(b)(ii)(C)/27A/29 of the NDPS Act and drew the attention of the court to the voluntary statement of the co-accused Hasibur Fakir and other material documents which are incriminating materials as against the present accused and prays for rejection of the petition.

Having considered the facts and circumstances and the materials on record statements of the accused persons and other documents as collected by the NCB during the course of the investigation and chain of incriminating materials as against the accused and allegations of offences and circumstances and the gravity of the offence and the nature and the impact upon the society and the conduct of the accused, I am not inclined to pass any order of discharge in respect of the accused Jahanara Begam @ Jahanara Mondal @ Jahanara Bibi. Accordingly, the prayer for petition of discharge on behalf of the accused is hereby rejected on contest.

Another petition as filed by the NCB with a prayer for issuing production warrant of Bighneshwar Mohakud is taken up for hearing.

I/O is present.

Heard the I/O.

Perused the CD.

It is the contention of the I/O that this present person who is in custody in connection with another case is presently languishing in judicial custody at Sub-Correctional Home, Karanjia, Odisha and prays for production of the accused for the purpose of showing arrest and interrogation.

Having considered the facts and circumstances and the contention made out in the petition by the NCB and the statements of Ld. Special P.P of the NCB and the I/O this court finds merit in allowing the petition. Accordingly, the petition for issuing production warrant as against accused Bighneshwar Mohakud is hereby allowed.

Accordingly issue production warrant against accused Bighneshwar Mohakud.

Fix 24.09.2025 for production of the accused and appearance.

Dealing Assistant to do the needful.

Dict & corrected by me

Judge, Spl Court under
NDPS Act, Howrah.

Judge, Spl Court under NDPS Act,