

Order No. 32 dated 19-01-2023

Today is fixed for E/R of W/A of Tarique Hassan.

All six accused persons namely Irshad Khan, Sk. Rasid, Md. Ammer Hasan, Md. Alfas Khan, Babar Mondal and Rahul Mondal are produced from correctional home.

One application regarding non-execution report against the warrantee namely Md. Tarique Hasan has been filed.

One bail petition is filed on behalf of the accused Irshad Khan.

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 07-01-2022. It is also said that the accused person is innocent and has been falsely implicated.

The Ld. Counsel for the prosecution has opposed the prayer for bail contending inter alia that huge quantity of contraband of 13 kgs heroine was recovered from the possession of the said accused person.

Contraband of commercial quantity 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 to grant bail within the statutory period of investigation. Charge sheet has already been submitted. 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 Krishna Saha is considered and rejected.

Fix 06-04-2023 for production of the accused persons.

To date for E/R of W/A of accused Md. Tarique Hasan.

Dictd. & Corrted. by me,

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

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Under NDPS Act, Howrah*