

JO Code No. WB00885
T. R Case No. 39 of 2023

Order No. 05 dated: 08-12-2023.

Today is fixed for production of the accused persons and I/O report.

The I/O report has been filed regarding seized vehicle.

Let it be kept with the record.

Three accused persons, namely Md. Selim Gazi, Samir Sardar and Rupiya Gayen are produced from correctional home.

Two separate bail petitions have been filed on behalf of the accused Samir Sardar and Rupiya Gayen.

Copy of bail applications are 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 persons as well as Ld. Counsel for the prosecution.

The respective Ld. Defence Counsels on behalf of the two accused persons submit before the court that the accused persons are in custody since 30-09-2023. It is also said that the accused persons are innocent and have been falsely implicated.

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

Contraband of commercial quantity (24.300 kgs ganja) was purportedly recovered from the possession of the accused persons. Accordingly, this case comes within the ambit of section 37 of the NDPS Act, which casts an embargo upon the court to grant bail. 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 Md. Selim Gazi, Samir Sardar and Rupiya Gayen is considered and rejected.

To 04-01-2024 for production of the accused persons.

To date for I/O report.

Dictated & Corrected by me

Special Judge,

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