

CNR No. WBHW-01-004727-2024

T. R. Case No. 20 of 2024

Order No. 19 dated 25-11-2024.

Part record is received from the Ld. C.J.M., Howrah along the forwarding report, notice U/s 103 BNSS, notice U/s 50 of the NDPS Act, seizure list, memo of arrest, search list, inventory list, medical report and a vokalatanama.

Accused Pawan Jaiswal has been produced by the Sankril PS.

One bail petition has been filed on behalf of the accused Pawan Jaiswal.

Copy served upon the Ld. PP-in-Charge.

Heard the Ld. Counsel for the accused/petitioner as well as Ld. Counsel for the prosecution.

The Ld. Counsel on behalf of the accused/petitioner submits before this court that the accused/petitioner 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 wirof T Cough Syrup 10 litres was recovered was recovered from the possession of the said accused/petitioner.

Contraband of commercial quantity (wirof T Cough Syrup 10 litres) was purportedly recovered from the possession of the accused person. Accordingly, this case comes within the ambit of section 37 of the NDPS Act. 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 is considered and rejected.

To date.

The IO files a prayer for police remand of the accused person, namely Pawan Jaiswal.

Perused the prayer of IO with recommendation of Assistant Commissioner of Police, (South Division-I), Howrah, who prays for allowing fourteen (14) days police remand of the accused person, namely Pawan Jaiswal.

Ld. P.P. In-Charge is present.

CD is produced. IO is present. Heard the I/O.

Perused the CD and the forwarding report duly forwarded by the Assistant Commissioner of Police, (South Division-I), Howrah. The prayer for PC for fourteen (14) days is for the recovery of more contraband and arrest of other associates which appears from the statement of the accused person in CD that the accused person will assist the police in recovering more contraband and arrest of his other associates of racket.

It is manifest from the CD that wirof T Cough Syrup 10 litres has been recovered from the possession of the accused person. The investigation agency believes that further recovery can be made on the basis of disclosure made by the accused person before the police.

Considering the materials available in the CD and submission of the I/O, I am

of the view that prayer for PC can be allowed for five (5) days only.

Hence, the prayer for PC for five (5) days is allowed.

The IO is directed to ensure that utmost care and caution be taken so that the accused person is not man-handled in any manner whatsoever and to provide him with all possible medical assistance if needed, during the period of police remand. The accused person must be taken for medical check up on each day during police remand.

The IO is further directed to observe strictly the guidelines set out by our Hon'ble Apex Court in this regard in D. K. Basu Case.

Inform the IO.

To **29-11-2024** for production of accused person positively at 10.30 AM with report.

Return CD to the IO.

Let a copy of this order be forwarded to the Assistant Commissioner of Police, (South Division-I), Howrah and the I/O of this case for information and taking necessary action.

One application has been filed on behalf of Md. Iqbal in respect of return of vehicle.

Fix 26-11-2024 for hearing of petition.

Dictated & Corrected by me,
Special Judge,
Inc

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