

Order No. 32 dated: 17-01-2025

Today was fixed for passing order in respect of the bail application of the following accused persons:-

1) Rudal Singh, 2) Md. Guddu, 3) Pawan Jaiswal, 4) Soumya Mallick and 5) Papai Dhara. The bail applications of the above named accused persons were earlier heard on 16-01-2025 in the presence of both sides.

Before I would like to pass the order today in respect of the bail application of the above named accused petitioners, I would like to quote the submission of the Ld. Advocates appearing of the above named accused persons as well as the submission of the Ld. Public Prosecutor while raised objection against the bail prayer of the above named accused during hearing.

During hearing of the bail application of the accused/petitioner namely **Soumya Mallick and Papai Dhara**, their Ld. Advocate while praying for their bail submitted that the accused/petitioners above named are palpably innocent and their identities are that they are the labours working in the said godown and therefore, they were not supposed to have any conscious knowledge about the possession of any narcotic substance. They were working merely for their daily wages for their own livelihood and on that ground, they seek to get their release on bail.

The Ld. Public Prosecutor during hearing of the bail application of the above named two accused (Soumya Mallick and Papai Dhara) raised vehement objection saying that they were arrested from the spot (godown) when they were handling the narcotic substance in the truck. Therefore, they cannot be said to be innocent and at this stage they cannot seek their enlargement on bail.

During hearing of the bail application of the accused **Md. Guddu**, the Ld. Advocate appearing for him (with fresh power) submitted while praying for his bail that he was not involved in any kind of racketing of the narcotic substance as complained against him by the prosecution and moreover the fact remains that no fruitful result came out during PC of this accused. Thus as a whole this accused/petitioner prays for bail.

Ld. PP appearing for prosecution raised objection the prayer for bail saying that he has a connection or involvement with the crime and investigating officer has collected evidence against him. Thus, Ld. PP raised objection against his prayer for bail.

During hearing of the bail application of the accused **Rudal Singh**, his Ld. Advocate while praying for his bail submitted that first of all he is innocent having no nexus with the alleged crime of this case and while praying for his bail, his Ld. Advocate in the course of making submission refers the order dated 07-01-2025 as passed by the Hon'ble High Court at Calcutta in CRM (A) 4179 of 2024 and particularly the attention of this court is drawn of the observation of the Hon'ble Court as recorded in paragraph No.3 of the said order, wherein the Hon'ble Court as the Ld. Advocate submitted has doubted over the case of the prosecution.

Ld. PP during hearing of the bail application of the above named accused Rudal Singh also raised objection saying that he was acting as manager of the said godown wherefrom the seized materials containing narcotic substance were recovered and he was arrested from the spot when the raid was conducted.

During hearing of the bail application of the accused **Pawan Jaiswal**, his Ld. Advocate while praying for his bail submitted that he is first of all innocent having no nexus with the alleged crime of this case and he was not arrested from

the spot but was arrested from his house and therefore, nothing was recovered from his possession.

Ld. PP raised objection against his prayer for bail saying that he is one of the active members of the racketing and his name got transferred during initial investigation.

After having heard from both sides accordingly in respect of the bail applications of the above named five accused persons and find that allegedly huge quantities of narcotic substance have been recovered by way of seizure from the said godown and the sample of the said seized materials have already been tested positive confirming the presence of narcotic substance beyond permissible limit and therefore which per-supposes the idea that the seized materials in the name of 'manufactured drugs' were supposedly to be used for non-medicinal purpose. Therefore, this court finds it difficult at this initial stage of investigation of this case to enlarge the above named accused persons on bail.

Therefore, as a whole, the prayer for bail of the accused persons namely of 1) Rudal Singh, 2) Md. Guddu, 3) Pawan Jaiswal, 4) Soumya Mallick and 5) Papai Dhara are all rejected.

CD is returned to the investigating officer through the Ld. PP.

To date 05-02-2025 for production of the accused persons and for I/O report.

Investigating Officer is directed to expedite the completion of investigation and to submit the report on such completion of investigation by the above date.

Dict & corrected by me
Judge, Spl. Court under NDPS Act

Judge, Special Court under NDPS
Act, 3rd Court, Howrah.
JO Code No. WB00787