

N.D.P.S Case No. 20 of 2024
CNR No. WBHW-00-004727-2024
J.O. Code WB00910

Order No.50 dated 20-08-2025

Today is fixed for appearance, production of the accused Pawan Jaiswal and hearing of the petition in respect of de-freezing of the bank accounts and discharge petition filed by the accused Pawan Jaiswal.

Accused Pawan Jaiswal is produced from J/C.

Other six accused persons namely, Soumya Mallick, Papai Dhara, Md. Guddu, Rudhal Singh, Sankar Sarkar and Debabrata Das on CB are present by filing hazira.

The petition on behalf of the accused for discharge is taken up for hearing.

It is the contention of the petitioner/accused namely Pawan Jaiswal that he had been involved in the alleged crime without any order from the N.D.P.S Court and caused his arrest from his place of residence and after completion of investigation charge sheet was submitted against him and the petitioner has been falsely detained and arrested from his residential premises in the death hours of night on 24-11-2024 and no effective seizure was made. No videography was conducted to substantiate the alleged recovery and arrest from the place of residence and accordingly, prays for discharge of the present petitioner/accused U/s 227 Cr.P.C/ 250 BNSS as being the charges under Section 21(C)/29/22 of the N.D.P.S Act as groundless.

Heard the Ld. Advocate of the accused Pawan Jaiswal.

Ld. PP-in-Charge raised voice of objection against the petition for discharge by stating that the facts as stated by the Ld. Defence Counsel, all are matter of trial and subject to the proof of the prosecution. On the basis of assumption, surmise, accused cannot be discharged.

Let me perused the record.

The factual averments as stated by Ld. Advocate of the accused person Pawan Jaiswal, all are matter of trial. It is the bounden duty of the prosecution to prove its case beyond all reasonable doubts. Furthermore, Hon'ble High Court, Calcutta in CRM 428 of 2025 while hearing the bail application of the accused observed that any procedural irregularity or illegality found to have committed in conducting the search and seizure during the course of of investigation or thereafter would by itself not make the entire evidence collected during the course of investigation inadmissible.

Having considered the facts and circumstances, gravity of the offence and the observation of the Hon'ble High Court, Calcutta and without finding any materials for discharge at this stage, I am inclined to reject the petition for discharge of the accused Pawan Jaiswal and accordingly, the petition is rejected.

Ld. PP-in-Charge at this stage prays for time for opening the case to consideration of charge.

The prayer is allowed.

Today no affidavit or application has been made on behalf of the appellant who prayed de-freezing of bank accounts in the light of the order and observation of this Court dated 25-07-2025. Therefore, the prayer for de-freezing bank accounts is hereby deferred till specific compliance of the order dated 25-07-2025.

Fix 30-08-2025 for consideration of charge, hearing the de-freezing petition and appearance of the six accused persons namely, Soumya Mallick, Papai Dhara, Md. Guddu, Rudhal Singh, Sankar Sarkar and Debabrata Das.

Accused Pawan Jaiswal is remanded to J/C till next date.

Dictated & Corrected by me

Special Judge,

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