

CNR No. WBHW01006645-2023

T R Case No. 43 of 2023

Order No. 15 Dated: 28.06.2024

Ld. P.P files hazira. He also files a petition praying for issuing warrant against two accused persons namely Kausik Barman and one Manotosh Mistry @ Monu @ Matida on the ground that though their name has been mentioned in final complaint but they are absconding.

Considering the ground prayer is allowed. Issue W/A against two accused persons namely Kausik Barman and one Manotosh Mistry @ Monu @ Matida.

Now the bail petition filed on behalf of accused Rakesh Sarkar and the petition filed by accused persons namely Sundar Deep, Asha Malakar and Prova Mondal are taken up for hearing.

Heard Ld. Lawyer for accused Rakesh Sarkar and Ld. Advocate for the accused persons namely Sundar Deep, Asha Malakar and Prova Mondal.

It is submitted by the concerned Ld. Advocates that they are entitled to get statutory bail as per provision of Cr.P.C no charge sheet has been yet filed. He also submits that filing of final complaint is unknown in Cr.P.C. and as such accused persons are entitled to get statutory bail.

Ld. P.P raised objection by submitting that they have filed final complaint and already cognizance has been taken so question of statutory bail does not arise.

Perused the petition filed on behalf of accused persons namely Sundar Deep, Asha Malakar and Prova Mondal. Considered.

It is stated that accused persons are languishing in JC since 15.12.2023 and no CS is submitted. On this ground accused persons prayed for bail.

Perused the petition filed on behalf of accused Rakesh Sarkar. Considered.

It is stated that accused is innocent having permanent residence. On this ground accused prayed for bail.

On perusal of record I find that prosecution has filed final complaint in lieu of charge sheet. Cognizance has already been taken. Record further reveals that commercial quantity of contraband articles have been recovered from the possession of the accused persons to the tune of 31.88 kgs of ganja. Thus considering the incriminating materials on record, coupled with the implication of section 37 of the NDPS Act bail prayer of accused persons namely Sundar Deep, Asha Malakar and Prova Mondal and accused Rakesh Sarkar are rejected.

To 21.08.2024 for E/R of W/A and production.

Dictated & Corrected by me,

Special Judge,

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

JO Code No.WB00644