

**JO Code No. WB00885
T. R Case No. 43 of 2023**

Order No. 06 dated : 28-02-2024.

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

Four accused persons, namely Sunder Deep, Rakesh Sarkar, Asha Malakar and Prabha Mandal are produced from correctional home.

No report is received.

A bail petition dated 20-01-2024 filed on behalf of the accused persons, namely Asha Malakar, Prova Mondal and Sundar Deep is taken up for hearing.

Copy of bail application is 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 Ld. Defence Counsel submits before the court that the accused persons are in custody since 13-12-2023. 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 persons.

Contraband of commercial quantity (31.880 kgs ganja) was purportedly recovered from the joint possession of the four 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 persons, namely Asha Malakar, Prova Mondal and Sundar Deep, is considered and rejected.

Fix 09-04-2024 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.**