

NDPS Case No.106 /2023.

Order No.19, dt. 18.06.2024.

Today is fixed for production and I.O's report.

Three accused persons are produced from J/C.

One bail petition is filed on behalf of the accused, Lahaik Ahammed. Fresh V. nama filed on his behalf.

Heard both sides in full. Ld. Addl. P.P has raised strong objection against such prayer.

It has been contended by Ld. Advocate that he is entitled to get statutory bail in spite of the fact that charge sheet has already been submitted as the same has been submitted without chemical examination report. According to him, counting such charge sheet as incomplete charge sheet, Hon'ble High Court in various cases has been pleased to grant bail to different accused persons in different cases and even Ld. Advocate cited the decision of Hon'ble Apex Court as observed in Ritu Chhabaria.

Perused the case record.

I have gone through the various decisions as cited by the Ld. Advocate for the accused. Beside that Ld. Advocate also tries to impress this court by mentioning certain irregularities taking place during investigation.

Be that as it may, Hon'ble High Court in C.R.M 146 of 2021 ( CRAN 01 of 2021 ) has been pleased to specifically observed that the submitted charge sheet cannot be treated as incomplete only because of the fact that the same has been submitted without chemical examination report. As in the present case the charge sheet has already been submitted, in that event, in opinion of this court, the accused is not entitled to get statutory bail.

Prayer for bail thus stands rejected.

To 18.07.2024 for production of the accused and supply of copy.

Dict. & Cor by me.

Judge Special Court,  
(Under N.D.P.S. Act),  
1st Court, Jal.

Judge, Special Court,  
(Under N.D.P.S. Act),  
1st Court, Jalpaiguri.

J.O Code – WB00677.