

NDPS Case No. 3 of 2023

Present : Shri Bibhuti Khesong (J.O.No.WB00693)
Sessions Judge, Alipurduar.

Order no. 12
dated 09.05.24,

Accused Deepak Sha is produced from the Correctional Home through V/C.

Mr. Kanoj Chakraborty, Ld. Advocate, moves the bail petition for the accused Deepak Sha, submitting inter-alia that in the memo of arrest the signature of the respectable person, here the family members, is not taken by the arresting officer and such deficiency gives the accused entitlement of bail in view of the judgment of the Hon'ble Supreme Court in D.K. Basu v. State of West Bengal.

Mr. Tushar Chakraborty, Ld. P.P raises strong objection against the bail prayer of the accused submitting inter alia that the offence committed by the accused is grave in nature and prima facie the case is already made out as the charge sheet is submitted under Sec. 21C of the NDPS Act against the accused.

Mr. Chakraborty further submits that the memo of arrest is duly signed by constable 401 Ajit Kumar Das as a respectable person of the locality and there is no uncompliance of the judgment of the Hon'ble Supreme Court in D.K. Basu case.

Heard both sides. Perused the case record as well as CD.

The charge sheet is already submitted against the accused Deepak Sha under Sec. 21C of the NDPS Act. A strong prima facie case has already been made out by the prosecution against the accused.

The allegation is serious in nature. Thus, considering the above facts and circumstances of the case, I do not find any just ground to consider the bail application at this stage. Accordingly, the prayer for bail is hereby **rejected**.

Fix 05.06.24 for production of the accused person through V.C. and I.O's report.

Dictated & Corrected
by me

Sessions Judge,
Alipurduar.

Sessions Judge,
Alipurduar