

N.D.P.S. Case No. 11/2025

Present : Mr. Sanjeev Kumar Sharma
ADJ, 2nd Court, Berhampore,
- Cum -
Judge, Special Court, Under NDPS Act,
Berhampore, Murshidabad.
[JO Code : WB 00706]
(In-Charge)

Order No. 16, dated 23.06.2025.

The record is put up today by a put up petition filed on behalf of accused Juel Sk. with an affidavit to the effect that no bail petition is pending and/or rejected before the Hon'ble Court in connection with this matter.

Ld. Advocate for the accused person submits that the sample sent for examination has been tested negative for any narcotic drug. He cites the decision of Hon'ble Supreme Court in **Thana Singh Vs. Central Bureau of Narcotics (Crl. Appeal No. 1640 of 2010)**.

Ld. Advocate for the accused person further submits that the result of examination was not communicated to the accused and pretesting of the sample cannot be permitted as the matter of course. Basing upon on these grounds, Ld. Advocate for the accused person prays for releasing the accused person on bail.

Ld. Special P.P. strongly opposes the bail petition and submits that on 04.06.25 this Court permitted the I.O.'s prayer to send the second sample marked 'A2' to SDCRL, Kolkata for examination and report well within the period of 15 days and as the report of second sample has not yet been received, the bail application cannot be allowed.

Perused the case record.

It appears from the record that the report of first sample, i.e. 'A1', was received by this Court on 02.06.25 and on 04.06.25 this Court permitted the I.O. to send the second sample for analysis.

Ld. Regular P.O. is on leave.

Since this Court has sent the second sample for retesting, it cannot be assumed that the same was sent for the examination without observing the norms. It is alleged that 256 grams of Heroin was seized in this case.

Having regard to the facts and circumstances and the fact that the report of second sample is yet to be received, I am not inclined to allow the prayer for bail of the accused person.

Accordingly prayer for bail of accused Juel Sk. is rejected.

To date, i.e. 03.07.25, for production.

Dictated & corrected by me,

Judge.
(J.O. Code WB 00706)
(In-Charge)

Addl. Dist. & Sess. Judge, 2nd Court,
- Cum -
Judge, Special Court, Under N.D.P.S. Act,
Berhampore, Murshidabad.
(J.O. Code WB 00706)
(In-Charge)