

N.D.P.S. 41/2022

Order No. 42, dated 29.09.2023.

Today is fixed for hearing bail petition filed on 26.09.23 in respect of accused Atabur Rahaman.

Another bail petition in respect of accused Asraf Ali @ Firoj is also filed today.

Ld. Special P.P. in-charge is present.

Both the bail petitions are taken up for hearing.

Ld. Defence Counsel prays for bail in respect of the above named two accused persons.

Ld. Special P.P. submits that huge quantity of contraband, i.e. 1 Kg. 700 grams of Heroin and 2 Kg. Alprazolam, were recovered from the accused persons. He also submits that there are criminal antecedents against accused Asraf Ali @ Firoj being Murshidabad PS Case No. 309/18 dated 31.05.18 u/S. 21(c) of the NDPS Act and Lalgola PS Case No. 514/17 dated 28.10.2017 u/S. 21(c)/29 of the NDPS Act. He also submits that there is criminal antecedent against accused Atabur Rahaman also, being Bhagwangola PS Case no. 115/16 dated 06.04.16 u/S. 21(c)/29 of the NDPS Act. He further submits that prayer for bail of these two accused persons were earlier rejected by the Hon'ble Court. Thus, he prays for rejection of the bail prayer in respect of the present two accused persons.

Perused the materials on record.

Heard both sides.

Considered.

Considering the prima facie materials against the present accused persons, nature and gravity of the offence, and keeping in mind the statutory bar u/S. 37 of the N.D.P.S. Act and also considering the fact that prayer for bail was earlier rejected by the Hon'ble Court, I am not inclined to allow the prayer for bail of the present two accused persons. Thus, the bail prayers stand rejected.

To dates (i.e. 06.01.24, 08.01.24 and 09.01.24) for production, appearance and evidence.

Dictated & corrected by me,

Judge.
(J.O. Code WB 00687)

Addl. Dist. & Sess. Judge, 2nd Court,
Cum
Judge, Special Court, Under N.D.P.S. Act,
Berhampore, Murshidabad.
(J.O. Code WB 00687)