

N.D.P.S. Case No. 31/2025

Order No.1, dated 19.02.2025.

Accused 1. Kabir Ali, son of Lt. Riyajuddin Sk., of Atroshia, P.S. Lalgola, Dist. Murshidabad and 2. Jahangir Kabir @ Kanfora Jahangir, son of Fujlur Rahaman, of Shiro Ramnagar, PS Lalgola, Dist. Murshidabad, have been brought under arrest and produced before this court in connection with Lalgola P.S. Case No. 142/2025, dt. 19.02.2025, u/S. 21(c)/29 of the N.D.P.S. Act. Received the F.I.R., written complaint, accused challan, seizure lists, forwarding report, police arrest/custody memos, inspection memos, medical reports, one sealed envelope containing compact disk, certificate u/S. 63 BSA, 2023 for recording of Videography and a prayer for certification of correctness of inventory along with a prayer for disposal of seized narcotic drug, psychotropic substances and controlled substances. Perused the same. Let the said documents be kept with the record. Register this case as N.D.P.S. Case of this court.

Vokalatnama is filed in respect of above named two accused persons. Let it be kept with the record.

Ld. Advocate for accused Kabir Ali and Jahangir Kabir @ Kanfora Jahangir by filing a bail petition, supported by an affidavit, prays for bail of the accused persons on the ground that the accused persons are innocent and they have been falsely implicated in this case. He further submits that no prayer for bail of the accused persons is either pending and/or rejected by the Hon'ble High Court, Calcutta.

Ld. PP in-charge raises objection to the prayer for bail.

Heard both sides.

Perused the case record. Considered.

Regard being had to the facts and circumstance of the present case, gravity of allegations and bearing in mind the extent of complicity of the present accused persons as transpires from the materials available in the case record and also bearing in mind the specific bar stipulated under Section 37 of the NDPS Act, prayer for bail of the present accused persons is rejected at this stage.

I.O is also present with the C.D. and he makes a prayer for seven (07) days police remand in respect of above named accused persons.

The above named accused persons are heard in person. They makes no complaint regarding their health.

Heard the Ld. P.P. in-charge and the I.O. of this case.

Perused the C.D.

I also peruse the prayer of the I.O. It has duly been recommended by the S.D.P.O., Bhagwangola, Murshidabad, CI, Bhagwangola, Murshidabad and the O.C., Lalgola P.S., Murshidabad.

Considering the chance of further recovery and to apprehend other person, involved in the offence, prayer of the I.O is allowed for six days. The accused persons be remanded to police custody with a direction upon the I.O. to produce the accused persons before this court on **24.02.2025**.

I.O. is directed not to inflict any sort of torture upon the accused persons, to get them medically examined in each 48 hours and to follow the guidelines of the Hon'ble Apex Court passed in D.K. Basu Case including providing medical facilities to the accused persons.

To date i.e. **24.02.2025** for production of the accused persons from the police custody with C.D.

I.O. also makes a prayer for authentication of the inventory as per Section 52A(2) of the N.D.P.S. Act, and he prays for disposal of the said petition.

The prayer is considered and allowed, u/S. 52A (3) of the NDPS Act.

The record be placed before the Id. J.M., Lalbagh, Murshidabad to prepare inventory during the course of which, 80 bottles of Phensedyl (Triprolidine Hydrochloride & Codeine Phosphate Cough Syrup) along with two multi colour nylon bags, alleged to have been seized, shall be put up before the Magistrate, the bottles of articles shall be counted, photograph shall be taken and representative sample of the seized articles shall be collected by the I.O. The Id. Judicial Magistrate shall certify the same and send report before this court by 20.03.2025.

The record be put up before Ld. J.M., Lalbagh, Murshidabad.

I.O. is directed to put up the seized articles before the Ld. J.M., Lalbagh, Murshidabad. I.O is also directed to make necessary arrangement on the date, to be fixed by the Id. Magistrate, to get the inventory done.

The prayer for pretrial disposal of the seized alamats u/S. 52A (1) of the NDPS Act is allowed, but after completion of process of certification of correctness of inventory by the Ld. J.M. Thereafter the seized narcotic drug/psychotropic substances/ controlled substances can be disposed of as per Section 52A(1) of the said Act retaining the certificate, photographs and samples as primary evidence as per Section 52A(4) of the NDPS Act, in the manner and following the procedure as has been provided u/S. 52A of the NDPS Act.

Copy of this order also be forwarded to the Ld. J.M., Lalbagh, Murshidabad.

Let another copy of this order be supplied to the I.O. for information and taking necessary action.

Return the C.D.

Dictated & corrected by me,

Judge.
(J.O. Code WB 00687)

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