

N.D.P.S. Case No. 190/2022

Order No. 2, dated 29.08.2022.

Accused 1. Abdul Kabil Sk. and 2. Mozibar Sk. are produced from P.C. along with accused challan, medical papers and forwarding letter. Perused the documents. Let the documents be kept with the record.

The above named accused persons did not make any allegation against the I.O. of this case during the period of P.C. They are taken into custody and remanded to J.C.

Issue intermediate custody at once.

Bail petition filed for the above named accused persons is moved.

By affirming of an affidavit, Learned advocate for the above named accused/petitioners has submitted that no application is pending before the Hon'ble High Court at Calcutta or earlier rejected by the Hon'ble High Court at Calcutta.

Ld. Advocate for the accused/petitioners has submitted that the accused/petitioners are innocent and have been falsely implicated in this case. As such, they may be released on bail on any condition.

Learned P.P. in-charge has raised objection against the prayer for bail.

Heard both sides.

Perused the case record.

Considered.

Regard being had to the facts and circumstances of the present case, gravity of the allegations, bearing in mind the extent of complicity of the present accused persons as it transpires from the materials available in the case record and also bearing in mind the initial stage of investigation, prayer for bail is rejected at this stage.

Fix 12.09.2022 for production of accused Abdul Kabil Sk. and Mozibar Sk. and final report.

Dictated & corrected
by me

Judge.
(In-charge)

Judge, Special Court, N.D.P.S. Act,
Berhampore, Murshidabad.
(In-charge)

Later, Order dated 29.08.2022.

Accused Sohail Rana @ Rana, son of Golam Murtuja of Budhurpara, P.S. Raninagar, Dist. Murshidabad is brought under arrest and produced before this court in connection with Islampur P.S. Case no. 387 of 2022, dated 25.08.2022, u/S. 21(c), 29 of the N.D.P.S. Act along with accused challan, medical papers, forwarding report, seizure list, inspection memo, police arrest/custody memo and a prayer for certification of correctness of inventory. Perused the same. Let the said documents be kept with the record.

Vokalatnama is filed. Let the same be kept with the record.

Bail petition filed for the above named accused person is moved.

By affirming of an affidavit, Learned advocate for the above named accused/petitioner has submitted that no application is pending before the Hon'ble High Court at Calcutta or earlier rejected by the Hon'ble High Court at Calcutta.

Ld. Advocate for the accused/petitioner has submitted that the accused/petitioner has been suffering incarceration in this case since long and that he is innocent and has been falsely implicated in this case. As such, he may be released on bail on any condition.

Learned P.P. in-charge has raised objection against the prayer for bail.

Heard both sides.

Perused the case record.

Considered.

Regard being had to the facts and circumstances of the present case, gravity of the allegations, bearing in mind the extent of complicity of the present accused persons as it transpires from the materials available in the case record and also bearing in mind the initial stage of investigation, prayer for bail is rejected at this stage.

I.O. has prayed for five (5) days' of remand of accused Sohail Rana @ Rana in P.C. on the ground of recovery of more contraband and to arrest other associates involved in this offence.

Perused the written complaint, seizure list and the prayer of the I.O. for five (5) days' remand of the accused in police custody duly recommended by the S.D.P.O., Domkal, Murshidabad; C.I., Domkal Circle and O.C., Islampur P.S. and the other materials on record and the C.D.

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Later, order dated 29.08.2022.

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Heard the Ld. P.P. in-charge and the investigating officer of this case.

Considered.

Taking into consideration the recovery of the incriminating articles and the grounds set out by the I.O. of this case, I am of the view that three (3) days remand of the accused person to police custody is allowed in the interest of investigation. Accordingly, prayer for remand of the accused to police custody is allowed for three (3) days. Accused person, named above, be remanded to police custody with a direction upon the I.O. to produce him before this court on **01.09.2022** sharp at 10.00 a.m. positively.

During police custody period, the I.O. must follow the guidelines and directions of the Hon'ble Apex Court of India in respect of the accused person. The I.O. shall render all medical assistance to the accused as and when required.

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

The prayer is considered and allowed.

The record be placed before the ld. J.M., Lalbagh, Murshidabad for assisting the I.O. to prepare inventory during the course of which, the Heroin, alleged to have been seized, shall be put up before the Magistrate, the articles shall be weighed, photograph shall be taken and representative sample of the seized articles shall be collected by the I.O. The ld. Judicial Magistrate shall certify the same and send report before this court by _____.

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

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

To **01.09.2022** for production of accused Sohail Rana @ Rana from the police custody.

Return the C.D.

Let a copy of this order be forwarded to the Ld. J.M., Lalbag, Murshidabad.

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

Dictated & corrected
by me

Judge.
(In-charge)

Judge, Special Court, N.D.P.S. Act,
Berhampore, Murshidabad.
(In-charge)