

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

Order No. 07, dated 14.09.2022.

Accused 1. Abdul Kabil Sk., 2. Mozibar Sk. and 3. Sohail Rana @ Rana are produced from J.C.

In compliance of the direction of this court the recording officer is present and the I.O. of this case is also present.

Perused the report so furnished on behalf of the recording officer.

For gross dereliction of duty on the part of the recording officer the accused persons are languishing in judicial custody for the alleged recovery of contraband substance of commercial quantity, rendering them liable u/S. 21(c), 29 of the N.D.P.S. Act, though the contraband substance, so seized from the accused persons, falls below the commercial quantity and the section ought to be recorded by the recording officer is u/S. 21(b), 29 of the N.D.P.S. Act. Such wrong recording of penal provision under the N.D.P.S. Act on the part of the recording officer is unpardonable.

Personal appearance of the investigating officer in compliance of the order of this court is dispensed with.

The report, so furnished by the recording officer, be kept with the record.

Bail petition filed for the accused persons, named above, 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 they have been falsely implicated in this case. He has further submitted that the alleged recovery of seized contraband falls below the commercial quantity. 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 as it transpires from the materials available in the case record and also bearing in mind the stage of investigation and also considering the period of detention of the accused in custody, prayer for bail is rejected as this is not the proper stage to enlarge the accused on bail.

To for production and submission of final report.

Let a copy of this order be communicated to the S.P., Murshidabad for kind information and to bring kind attention for sorry state of affairs prevailing in the investigating wing of this district.

Dictated & corrected by me,

Judge.
(J.O. Code WB 01301)
(In-charge)

Judge, Special Court, Under N.D.P.S. Act,
Berhampore, Murshidabad.
(J.O. Code WB 01301)
(In-charge)