

N.D.P.S. Case No. 148/2025

Order No.1, dated 14.08.2025.

Accused Minarul Islam @ Kalu, son of Kawsar Sk. of village Manikchak, P.S. Lalgola, Dist. Murshidabad, Rajib Roy @ Mamon Sk., son of Achin Bhaskor of Hosnabad, P.S. Lalgola, Dist. Murshidabad, Sohikul Hoque @ Parvej, son of Lt. Samsul Haque of Balutung, P.S. Lalgola, Dist. Murshidabad and Kamirum Alam @ Rinku Sk., son of Bablu Sk. of Kalmegha, P.S. Lalgola, Dist. Murshidabad are brought under arrest and produced before this court in connection with Lalgola P.S. Case No. 722/2025, dt. 14.08.2025, 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, letter to SDPO, Bhagwangola, statements regarding ground of arrest, police arrest/custody memos, inspection memos, medical reports, one sealed envelope containing compact disk, challan for compact disk, certificate u/S. 63(4)(c) of the 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.

Ld. Special Public Prosecutor and Ld. Remand Advocate for the accused persons appointed from the DLSA are present.

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

A petition for bail is also filed and moved on behalf of the accused persons.

Ld. Remand Advocate for the accused persons prays for bail of the accused persons.

Ld. Special Public Prosecutor raises objection against the prayer for bail.

Heard the rival submissions at the Bar. Considered.

Perused the case record.

Considering the nature and gravity of the offence and bar u/S. 37 of the NDPS Act, prayer for bail of the accused persons is rejected.

I.O is also present with the C.D. and he submits a prayer for ten (10) days police remand in respect of above named accused persons.

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

Considered.

Perused the C.D.

Also perused the prayer of the I.O. It has duly been recommended by the S.D.P.O., Bhagwangola, Murshidabad, CI, Lalbagh, 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 nine days and the accused persons be remanded to police custody with a direction upon the I.O. to produce the accused persons before this court on **22.08.2025**.

I.O. is directed not to inflict any sort of torture upon the accused persons, to get them medically examined in each 24 hours and to follow the guidelines of the Hon'ble Apex Court passed in the matter of **D.K. Basu Vs. State of West Bengal** reported in **(1997) 6 SCC 642** including providing medical facilities to the accused persons.

To date i.e. **22.08.2025** 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, 303 grams of Heroin, alleged to have been seized, shall be put up before the Magistrate, the articles shall be measured, 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 12.09.2025.

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 items 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.

The accused persons has prayed before this court for appointing a Legal Aid Advocate.

Heard the prayer of the accused persons. Considered.

Secretary, D.L.S.A., Murshidabad is requested to appoint a Legal Aid Advocate of D.L.S.A., Murshidabad to represent the accused persons.

Let a copy of this order be sent to the Secretary, D.L.S.A., Murshidabad for information and taking necessary action.

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 C.D.

Dictated & corrected
by me,

Judge.
(J.O. Code WB 01303)

ADJ, 2nd Court, Cum,
Judge, Special Court, Under N.D.P.S. Act,
Berhampore, Murshidabad.
(J.O. Code WB 01303)