

**N.D.P.S. Case No. 88/2024**

Order No. 02, dated 01.10.2024.

Accused Md. Abdul Halim @ Bhola, Md. Khabiruddin Sk. @ Pukon and Nursad Ali @ Bishu are produced from PC along with accused challan, forwarding letter, seizure lists, one sealed envelope containing one compact disk, and medical papers. Perused the documents. Let the documents be kept with the record.

Accused persons make no complaint regarding their healths. The accused persons are taken into custody and remanded to JC till 07.11.2024 (intervening Puja Vacation).

The certificate u/S. 63 of the Bharatiya Sakshya Adhinyam, 2023, for recording of Videography, is also received. Let the document also be kept with the record.

Issue intermediate custody at once.

Bail petition supported by an affidavit is filed in respect of the above named accused persons and the bail petition is moved.

Heard the Ld. Defence Counsel praying for bail.

Heard the Ld. P.P. in-charge raising objection as to the prayer for bail.

Perused the materials on record.

Heard both sides.

Considered.

Considering the prima facie materials against the present accused persons and keeping in mind the statutory bar u/S. 37 of the N.D.P.S. Act, I am not inclined to allow the prayer for bail of the accused persons. Thus, the bail prayer stands rejected.

I.O. of this case files a prayer forwarded by the OC, Lalgola PS, for certification of correctness of inventory along with a prayer for disposal of seized narcotic drug, psychotropic substances and controlled substances through Ld. P.P. in-charge.

Heard the Ld. P.P. in-charge.

Considered.

The prayer of the IO for certification of correctness of inventory is 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, 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 Id. Judicial Magistrate shall certify the same and send report before this court by 30.10.2024.

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 articles 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.

To date, i.e. 07.11.24, for production of the accused persons.

Copy of this order 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.

Dictated & corrected by me,

Judge.  
(J.O. Code WB 00687)

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