

N.D.P.S. Case No. 133/2024

Order No.1, dated 12.12.2024.

Accused Jiabur Rahaman S/o. Late Najrul Islam of village Ramchandrapur, P.O. Sadar Nashipur, P.S. Lalgola, Dist. Murshidabad has been brought under arrest and produced before this court in connection with Lalgola P.S. Case No. 1209/2024, dt. 12.12.2024, 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 memo, inspection memo, medical report, certificate u/S. 63 BSA, for recording of Videography, one sealed envelope containing compact disk, 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. P.P. in-charge is present.

Ld. Advocate from DLSA is also present and she files a petition praying for bail in respect of above named accused person.

Bail petition is moved.

Heard both sides. Considered.

Perused the materials on record.

Considering the prima facie materials against the present accused person 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 person. Thus, the bail prayer stands rejected.

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

The above named accused person is heard in person. He makes no complaint regarding his health.

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

Perused the C.D.

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

Considering the chance of further recovery and to apprehend other persons, involved in the offence, prayer of the I.O is allowed. The accused person be remanded to police custody for three days with a direction upon the I.O. to produce the accused person before this court on **14.12.2024.**

I.O. is directed not to inflict any sort of torture upon the accused person, 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.

To date i.e. **14.12.2024** for production of the accused person 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, 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 **16.01.2025.**

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 pre-trial 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 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)