

Spl Case No. 78 of 2024
Present: Smt Sanghamitra Podder
Judge, Special Court,
ADJ, 3rd Court, Malda (JO Code-WB00855).

Order no. 18 dated 07-05-2025

Today is fixed for production, hearing bail petition and supply of copy.

Accused Mofajul Hoque is produced through VC.

Ld. Spl PP and Ld. Defence Counsel are present.

Bail petition dated 24-04-2025 filed by accused Mofajul Hoque is taken up for hearing.

Ld. Defence Counsel submits that neither arresting officer nor investigation officer communicated ground the arrest to the petitioner either in writing or orally in their vernacular languages nor any intimation about the grounds of arrest was provided to the relative, friends or any person nominated by him which is gross violation of the mandatory legal provisions. Drawing the attention to this Court to the sec 50 Cr.P.C corresponding to Sec. 47 BNSS and Article 21 and 22 of the Constitution of India Ld. Advocate submitted that as there has been absolute violation of the mandatory provision of law of the accused person should be released on bail as per the guidelines of Hon'ble Supreme Court passed in Kanishk Sinha and Another Vs State Of West Bengal and another decided on 27-02-2025, Vihaan Kumar Vs. State of Haryana and another decided on 07-02-2025, Prabir Purkayasthav. State (NCT of Delhi), reported in (2024) 8 SCC 254 and Ashish Kakkar vs UT of Chandigarh decided on 25-03-2025.

Ld. PP raises strong objection on the ground that huge quantities of narcotics tantamount to commercial quantity have been recovered from the possession of the accused person.

Heard both sides. Perused the case record and case diary. Considered.

It appears from the case record that this accused along with the co-accused persons were caught red handed with 308 gram brown sugar. As such, I am of the consider view that the decision relied upon the Ld. Defence Counsel are not applicable to this case. Considering the nature and gravity of the offence and in the light of the aforesaid discussion, I am not inclined to allow the prayer of bail. Bail petition of accused Mofajul Hoque dated 24-04-2025 stand **rejected** and disposed of.

Fix **21-05-2025** for production, IO report and supply of copy.

Superintendent of District Correctional Home to produce accused Mofajul Hoque before this Court physically.

D/C by me.

*Judge, Special Court,
ADJ 3rd Court, Malda.*

*Judge, Special Court,
ADJ 3rd Court, Malda.
(JO Code-WB00855)*