

NDPS Case No.97/2024

Present : Sri Sandip Karmakar
Judge, Special Court,
4th Court, Malda

Order No.05

04.12.2024

This day is fixed for production of accused persons namely Jadu Mandal, Alauddin Sk and Shahbaz Ansari from P.C and report of IO.

Accused persons namely Jadu Mandal, Alauddin Sk and Shahbaz Ansari are produced from P.C along with P.C accused challan, PC return report, medical slips and prayer for further 04 days police remand of accused Shahbaz Ansari.

Accused persons namely Jadu Mandal, Alauddin Sk and Shahbaz Ansari are taken into custody and remanded to J/C.

Two separate bail applications are filed on behalf of accused persons along with Vokatnama. Copyies are served.

Seen the report of the IO which speaks that during remand period PC accused persons namely Jadu Mandal and Md Alauddin Sk refused to cooperate in recovering the narcotic substance. On interrogation during remand period PC accused Md Shahbaz Ansari disclosed that he had been in regular contact with his main associate and offered to assust in his apprehension.

Let the report along with other relevant documents referred above be kept with the record.

The IO, SI Tupgeay Lepcha of Baishnabnagar PS, Malda files a petition with a prayer for 04 days further police custody of accused Md Shahbaz Ansari which has been recommended by the SDPO, Kaliachak, Malda.

Ld Counsel for the accused persons submits that the accused persons are innocent and they have been falsely implicated in this case and accordingly he prays for bail of the accused persons on any terms and condition. Ld Counsel further submits that the further PC prayer of accused Md Shahbaz Ansari as made by the Investigating Agency should be rejected.

Ld Special P P opposes the bail prayer and submits that 758 gms brown sugar has been recovered from the possessin of accused persons and accordingly, bail prayer should be rejected and on the contrary he has prayed for further 04 days P.C of accused Md Shahbaz Ansari for recovery of more narcotic substances and to identity the racket involved in the offence.

Hd both sides.

Perused the case record and CD.

Now the prayer for P.C is taken into consideration.

The IO is present with CD. He is examined on dock.

The signature/LTI of the accused person namely Md Shahbaz Ansari taken at the left margin of the order sheet.

Perused the case record and CD.

Considering the nature and gravity of the offence, the nature of recovery from the possession of accused persons and the materials on record and CD, the prayer for P.C is allowed for **four days** till **07.12.2024**. Consequently the bail pry aer at this nation stage of investigation is rejected. IO is directed to produce the accused Md Shahbaz Ansari in Court on **07.12.2024 at 11:30 a.m** sharp.

I.O. of this case is further directed to ensure that the accused person is not subjected to any kind of physical torture during the entire P.C. period. He is further directed to get the accused person

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medically examined by Government medical officer on each and every date during the period of P.C and he is strictly directed to follow the guidelines of the Hon'ble Apex Court in this regard as held in ***D.K Basu Vs State of West Bengal reported in (1997) 1 SCC 416.***

GRO, Malda is to do the needful.

To **07.12.2024** for production of the accused Md Shahbaz Ansari from PC.

To 18.12.2024 for production of accused persons namely Jadu Mandal and Alauddin Sk from J/C and I.O's report.

Ld Counsel appearing on behal of accused Jadu Mandal and Alauddin Sk files a petition stating that the accused persons have been suffering from severe illness and Ld Counsel prays for passing necessary order in this regard.

In view of the above noted submission, let the Superintendent of the concerned Correctional Home be directed to provide best medical aid to the accused in accordance with law.

Inform accordingly.

Let a copy of this order be sent to the Superintendent District Correctional Home, Malda for information and compliance

A copy of the order be supplied to the I.O. for information and compliance.

Return C.D.

IO is discharged.

Dictd. & corrted. by me

*Judge, Special Court,
ADJ 4th Court, Malda.*

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ADJ 4th Court, Malda.*