

Special Case No. 100 /2024
R-100/24

Present : Smt Sanghamitra Podder
Judge, Special Court,
3rd Court, Malda (JO Code-WB00855)

Order No. 14 dated 28-04-2025

Today is fixed for production and IO report.

Accused Jiem Hassan and Wasim Sk. are produced through VC.

Bail petition filed by accused Wasim Sk. is taken up for hearing.

Ld. P.P. and Ld. Defence Counsel are present.

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 guideline 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, Pankaj Bansal v. Union of India reported in (2024) 7 SCC 576, Prabir Purkayasthav. State (NCT of Delhi), reported in (2024) 8 SCC 254, Ashish Kakkar vs UT of Chandigarh decided on 25-03-2025, Basu Singh and others State of UP reported in (1978) 1 Supreme Court of Hon'ble High Court of Calcutta in Minu Das vs State of West Bengal and ors decide on 28-03-2025, CRM, (NDPS) 144 of 2025 decided on 08-04-2025, CBI Vs Rajnikant Ojha decided on 10-04-2025, Ram Krishna Vs. The State of West Bengal decided on 08-04-2025, Somnath Banerjee Vs. The State of West Bengal decided on 25-04-2025, CRM (DB) No. 194 of 2025 and CRM (DB) No. 350 of 2025 decided on 25-04-2025.

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 the CD. Considered.

It appears from the case record and case diary that 11640 Yaba Tablets have been recovered from the possession of accused persons during Special Naka Checking Duty. Considering the nature and gravity of the offence and in the light of the aforesaid discussion, I am of the view that the propositions of law underlying the judgments relying upon the Ld. Defence Counse are not applicable as the accused persons were caught red handed with huge amount of Yaba Tablets on 04-12-2024. I am not inclined to allow the prayer of bail. Bail petition of accused Wasim Sk. dated 28-04-2025 stand **rejected** and disposed of.

Fix **08-05-2025** for production and IO report.

CD be returned.

D/C by me.

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

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