

Special Case No. 110 of 2023
Present: Smt Sanghamitra Podder
Judge Special Court,
3rd Court, Malda
JO-WB00855

Order no. 19 dated: 03.06.2024

Received Charge-sheet being **Kaliachak** PS CS No. **546/2024** dated: **28.05.2024** against accused persons namely **1. Aliul Seikh, 2) Rahamat Seikh and 3) Sarif Khan** under section- **21(C)/27A/29 of NDPS Act** along with **original CFSL report** and other connected papers from page No. 01 to 20 .

Perused. Let the same be kept with the record.
Cognizance is taken against accused persons .

Accused SI No. 1. Aliul Seikh, 2) Rahamat Seikh are presently in JC and as per charge sheet accused SI **3) Sarif Khan is absconding** and IO prays to issue **WA against him**.

Accordingly, issue WA against accused SI No. **3) Sarif Khan**.

Fix.....for Production appearance and ER of WA .

Dictated & Corrected by me,

Judge Special Court,
3rd Court, Malda

Judge Special Court,
3rd Court, MaldaAccordingly,

Special Case No. 110 of 2023

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Received part record from Ld. C.J.M., Malda containing charge sheet, rough sketch map with index, statement of witnesses u/s 161 Cr.P.C, report of CFSL, Kolkata along with other connected papers from page no. 1 to 20.

Charge-sheet being **Kaliachak** PS CS No. **546/2024** dated: **28.05.2024** against accused persons namely **1. Aliul Sheikh, 2) Rahamat Sheikh and 3) Sarif Khan** under section-**21(C)/27A/29 of NDPS Act** has been submitted by the I/O.

Perused. Let the same be kept with the record.

Cognizance is taken against accused persons namely **1. Aliul Sheikh, 2) Rahamat Sheikh and 3) Sarif Khan**.

Accused Bablu Sk. is discharged being not sent up by the I/O.

Accused Aliul Sheikh and Rahamat Sheikh are presently in JC and as per charge sheet accused Sarif Khan is absconding and IO prays to issue WPA against him.

Accordingly, issue WA against accused Sarif Khan.

Fix 16-07-2024 for Production appearance of Aliul Sheikh and Rahamat Sheikh and ER of WA of accused Sarif Khan.

Dictated & Corrected by me,

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Later:

Bail petition filed by accused namely Aliul Sheikh and Rahamat Sheikh is taken up for hearing.

Ld. Defence Counsel as well as Ld. Spl. P.P. are present.

Ld. Defence Counsel submits that the accused persons are entitled to be enlarged on default bail. Though charge-sheet has been submitted before the Ld. CJM, Malda but no cognizance is taken by him. These accused persons have been languishing in custody since 02-12-2023. They are completely innocent. They are ready to comply all the conditions imposed by this Court if enlarged on bail. So, the bail prayer should be allowed.

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Ld. P.P. raised vehement objection and submit that commercial quantity of contraband articles have been seized from the possession of the accused persons and final report has been submitted by the I/O. So there is no scope to enlarge the accused persons on default bail.

Having heard both sides I perused the case record and considered the same.

It appears from the case record that charge-sheet has already been submitted on which congregation has been taken by this Court. Thus the question of enlarging the accused persons on statutory bail does not arise. Moreover, commercial quantity of contraband have been seized from the possession of these accused persons and the result of the CFSL report is received as positive.

Thus, the bail petition filed by the accused Aliul Sheikh and Rahamat Sheikh dated 03-06-2024 is hereby rejected and disposed of.

Fix to date, i.e. on **16-07-2024** for production of accused persons namely Aliul Sheikh and Rahamat Sheikh and ER of WA of accused Sarif Khan.

Dictated & Corrected by me,

Judge Special Court,
3rd Court, Malda

Judge Special Court,
3rd Court, Malda