

Spl Case No. 110/2023

Present : Smt Sanghamitra Podder
Judge, Special Court,
ADJ, 3rd Court, Malda.

Order No. 30 dated 28-04-2025

Accused Aliul Sk. and Rahamat Sk. are produced through VC.

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

Received Execution Report of WPA of accused Sarif Khan. After observing all formalities WPA in respect of accused Sarif Khan has been executed. In view of the report furnished by SI Alamgir Sarkar of Kaliachak PS, **the case is filed for the present in respect of accused Sarif Khan.**

Bail petition filed by accused Aliul Sk. 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 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. Advocate further submitted that bail petition of this accused person was rejected by the Hon'ble Court being not pressed.

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 and CS has been submitted by the IO in this case.

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

It is admitted position that accused person is pressing the bail application not on merit but on the ground that grounds of arrest were not communicated him at the time of arrest. It is admitted position that this accused person filed an application praying for bail before the Hon'ble Court. It is also admitted position that accused

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himself not pressed that petition filed before the Hon'ble Court. Thus, inspite of having enough opportunities the accused person did not raise the grounds on which he is pressing the bail application before this Court, though such ground accrued at the very inception of the case according to the accused. As such, I am of the consider view that the decision relied upon the Ld. Defence Counsel are not applicable to this case. In view of such I find that it would not be wise to allow the instant bail application. Considering the nature and gravity of the offence. Bail petition of accused Aliul Sk. dated 28-04-2025 stand **rejected** and disposed of.

Fix **05-06-2025** for production and supply of copy.

CD be returned.

D/C by me.

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

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