

Order No. 26 dated 17-11-2025

Accused namely Sumon Basu @ Chandan, Abdul @ Abdus Salam Mondal @ Babu and Gobinda Biswas @ Rahul are produced from Correctional Home as per direction and are represented by their ld.advocate.

Ld. Spl. PP is present .

At the very outset it is submitted by ld.Spl.PP that supplementary charge sheet has been submitted by investigating agency on simple ground for rectification of some typographical mistake.

Heard ld.defence counsel. No objection is raised. Considering the submission of both the sides cognizance is taken in respect of supplementary charge sheet No.450/25 dt.07.11.2025 u/s.21(c)/25/29 of NDPS Act. Let the copy of supplementary charge sheet be handed over to ld.counsel for the accused persons in course of this day.

Today is fixed for production and consideration of charge.

Now, the record is taken up for consideration of charge.

Ld.Spl.PP opens the prosecution case by stating the materials collected against the accused persons. Heard ld.defence counsel on the point of charge. On hearing both the sides and considering the materials lying on the case record as well as case diary, I find that prima-facie case has well been made out against the accused person and accordingly, charge u/s8(c) read with section 21(c)/25/29. of the NDPS Act is framed against them and the same is read over and explained to them to which they pleaded not guilty and claimed to be tried.

After hearing the submission of ld.Spl.PP and ld.defence counsel the following schedule is prepared for evidence of prosecution witnesses.

To 29.01.2026 for evidence of CSW-2.

30.01.2026 for evidence of CSW- 4.

31.01.2026 for evidence of CSW- 5.

02.02.2026 for evidence of CSW- 1.

Prosecution side is directed to take proper step to cause service of summons upon the witnesses in the mean time.

Accused persons are remanded to JC with a direction of production.

Now the record is taken up for hearing of petition dt.22.09.2025 submitted on behalf of the accused Sushanta Saha, the registered owner of the vehicle bearing No.WB-26BU/9998.

Ld.counsel for the petitioner is present. Ld.Spl.PP is also present.

It is submitted by the ld.counsel for the petitioner that he is the registered owner of the vehicle as seized and he is entitled to get that vehicle in his interim custody subject to the condition as imposed by this Court. In order to substantiate his submission, ld.counsel shows his reliance of the observation of Hon'ble Apex Court as report in **Denash Vs. State of Tamilnadu in 2025 INSC 1258.**

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Ld.Spl.PP, on the other hand, raising no objection against the prayer submits that a report has been submitted by Insp. of STF, WB showing no objection of release of the vehicle in question in favour of the petitioner being the registered owner.

Now, having heard the submissions of both the sides, taking note of the report dt.13.11.2025 submitted by SI Gopinath Garai, STF, (HQ),WB and forwarded by Insp. of STF, WB the order is to be passed accordingly. The report is very specific as received about release of the vehicle in question in favour of the registered owner and accordingly, keeping in mind the observation of Hon'ble Apex Court, after taking into consideration of the facts, prayer of return of vehicle in question as seized and also considering the report , as referred above, I am of the view that there is no impediment to return the seized vehicle being Reg. No.WB-26BU/9998. along with the relevant documents, if any, to the registered owner namely Sushanta Saha on interim custody subject to furnishing zimmanama bond of Rs.4,00,000/- on condition that till disposal of the case he is not to sell or hand over the vehicle and to produce the same as and when call for during the course of trial.

Inform SI Gopinath Garai, STF, (HQ),WB for information and compliance. Let a copy of order be sent to him.

The petition is accordingly, disposed of.

Dictated & Corrected by me.

Sd/- C. Chattopadhyay.
Judge, Special Court, N.D.P.S. Act,
Nadia at Krishnagar

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