

**NDPS 81/23 ( R 81/23)**  
**CNR-WBND010068762023**  
**Present : Sri S. Chakrabarti**  
**J.O, Code-WB00619**

**Order no, 01**  
**Dated, 23.11.2023**

Received a case record from Ld. CJM Nadia acdd namely 1. Debanjan Saha, 2. Sajal Saha, 3. Tapash Debnath, 4. Samir Banik, 5. Jugol Ghosh and 6. Mitran Dey are produced from J.C along with FIR, written complaint, seizure list, forwarding report, inventory list, arrest cum personal search memo, certificate u/s 65 B of Indian evidence act, seizure of memory card, impression of specimen seal, medical slip and acdd challan.

I.O prayer for PC for 07 ( Seven ) days of six (06) accused.

Learned Advocate for the accused namely **Debanjan Saha, Sajal Saha, Tapas Debnath, Samir Banik, Jugol Ghosh and Mitran Dey** files a petition along with separate V.namas praying for bail on the ground that the accused have been falsely implicated in this case and nothing was recovered from their possession.

Learned Advocate also stated that the accused persons were travelling by 223/Vande Bharat Exp. and they have train ticket. Accordingly, learned Advocate for the accused persons prays for bail on any terms and condition.

Learned special P.P. raised objection

Heard. Considered. Perused the materials on record.

From the materials on record it appears that huge quantity of 'contraband' i.e. **24,900 bottles of Phensedyl** were recovered by the STF ,WB from the possession of the accused persons. The accused persons are the residents of different State and District. The recovered articles are commercial quantity. Mere possession of Railway Ticket does not mean that they are not involved in the alleged commission of offence. If they are released on bail, there is every chance of absconding and tampering of evidence. The bail prayer of the accused persons stands **rejected**.

I.O. is present before the Court today along with a prayer for police remand for 7 (seven) days of the above named arrested accused and the said prayer was duly forwarded by the Dy. Supdt of Police, (D & T) Krishnagar Police District.

Ld. Special P.P. is present and prays for remand of the accused persons for 7 days.

Accused persons are heard in person and they submit that they have no injury in their body.

Heard both sides.

Perused the entire materials on record.

Considered.

It appears that the prayer for PC for the accused persons has been duly forwarded by the Dy. Supdt of Police, (D & T) Krishnagar Police District.. The P.C. has been prayed to facilitate the investigation. It reflects that the PC if allowed will help in unearthing the truth and to ascertain the involvement of the accused, the prayer is allowed.

The prayer of the I.O. is thus allowed.

**The prayer for P.C. is allowed for 6 ( six ) days.**

The I.O. is allowed to take the said accused persons in police custody for 6 (six) days and is also directed to observe all formalities of the Hon'ble Apex Court while keeping the accused person in police custody.

During the period of remand of the accused person in P.C., the I.O. is directed to take due and proper care of the accused persons and not to inflict any kind of torture upon the accused persons and is further directed to make arrangement for medical check up of the accused persons regularly by every 24 hours or as and when required, by

observing due compliance of the guidelines given by the Hon'ble Apex Court in the case of D. K. Basu.

To **29.11.2023** for production of the accused persons along with medical report.

The IO is hereby directed to remain present on the date fixed along with CD.

IO is directed to take steps for inventory, sampling, certification and disposal of seized contraband under section 52A of the NDPS Act immediately regarding the sample of seized contraband before the concerned empowered learned Judicial Magistrate of the Sub-division where the concerned PS is located and to file a compliance report before this Court as soon as possible, in default, appropriate action will be initiated against the IO as per the law laid down by the Hon'ble Supreme Court of India in this regard.

Copy forwarded to learned JM, Court, 2nd Court, Krishnagar Nadia for information and necessary action.

Inform IO accordingly.

Today

Dictated and corrected by me

**Judge Special Court NDPS Act..  
Act.**

**Krishnagar, Nadia**

**Judge Special Court NDPS**

**Krishnagar, Nadia**