

*Present : Sri S. Chakrabarti.*

*(WB J00619)*

*NDPS Case No.81/23(R-81/23)*

*WBND010068762023*

15

28.02.2024

Today is fixed for production.

Accused namely **Sajal Saha, Tapas Debnath, Samir Banik, Jugol Ghosh and Mitan Dey** are produced from Correctional home.

Accused namely **Debanjan Saha @ Sagar @ Sahid** is not produced from Central Jail, Guwahati, Assam.

Learned Advocates on behalf of accused **Tapas Debnath and Samir Banik** file a bail petition along with fresh V.nama.

Copy served upon learned Special PP.

Learned Advocate on behalf of accused Samir Banik stated in his petition that accused has been falsely implicated when he was travelling by Vande Bharat Express and was arrested from Malda Town Railway Station and nothing was recovered from his possession.

Learned Advocate also stated that he has his own permanent residence. There is no chance of abscondance. so, he prays for bail on any terms and condition.

Learned Advocate on behalf of accused Tapas Debnath has stated that on 20.11.2023 when accused Tapas Debnath was returning from Hawrah by Vande Bharat Express, he was apprehended by STF at Malda station and subsequently arrested him in Dhubulia PS Case No.596/2023. He has been falsely implicated in this case and no contraband was recovered from his possession.

Learned Advocate on behalf of accused Samir Banik relied upon the decision reported in CrI.Appeal No.1223 of 2007.

Learned PP raised strong objection. Learned PP stated that huge quantity of contraband was recovered from the possession of the accused persons and they are carrying inter-state racket of trafficking the contraband.

Heard both sides.

IO is also present.

Perused the bail petition along with other materials on record.

It appears that **24,900 bottles of Phensedyl** were recovered from the possession of the accused persons . The accused persons are involved in trafficking drugs in different states. The investigation is still going on. Tapas Debnath is a resident of Dholeswar, PS- East Agartala, Tripura and

28.02.2024 (Contd)

Samir Banik is a resident of Pratapgarag Rout No1, Agartala West Tripura. BOTH the accused persons are residents of Tripura. As the investigation is still in progress and huge numbr of Phensedyl was recovered from the possession of accused persons which are commercial quantity and in view of the provisions under section 37 of NDPS Act and in view of the serious impact of the offence upon the society, this Court is not inclined to grant bail to the accused.

I also make it clear that above two accused persons are the residents of Tripura and there is every chance of abscondance if the accused persons are released on bail at this stage.

Having considered the above facts and circumstance and as the contraband which is recovered is commercial quantity, the bail prayer is considered and **rejected**.

Fix 13.03.2024 for production.

Superintendent, Central Jail, Guwahati, Assam is directed to produce accused Debanjan Saha on the next date.

Let a copy of this order be sent to the Superintendent, Central Jail, Guwahati, Assam

Dictated & Corrected by me.

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

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