

NDPS-1/24

4.5.2024

Accd Jahangir Ali Mondal, Imran Sheikh @ Raja, Md. Dilnawaz and Mahadeb Nayaban are produced from J.C.

Ld. Advocate Sri Aniruddha Das files fresh vakalatnama on behalf of accd Mahadeb Nayaban and Jahangir Ali Mondal.

I.O is present with C.D.

I.O has also submitted a written prayer for further J.C for all the four accd persons for the interest of investigation.

No final report is submitted till date.

At this stage bail moved on behalf of accd Mahadeb Nayaban.

C.d is produced.

Hd. Both sides. Perused.

It is submitted by Ld. Defence counsel that the accd Mahadeb Nayaban has been falsely entangled in this case, but despite this he is in J.C for considerable long period. Drawing attention of this Court to the search cum S.L, Ld. Defence counsel submits that from the said search cum S.L it is found that only public witnesses signed on the same as witness but no police personnel has been made as witness of the S.L and this is of course a lacuna of the prosecution case and in this backdrop he prays for bail.

Countering the submission of the Ld. Defence counsel, it is submitted by Ld. P.P in-charge that there is sufficient materials in the C.D showing direct involvement of the present accd in the alleged commission of offence and moreover, the instant case involves commercial quantity of contraband substance.

After due consideration of the submission of Ld. Defence counsel as well as Ld. P.P in-charge and also after meticulous scrutiny of the materials in C.D as well as materials on record, this court finds that this case involves commercial quantity of contraband substance i.e Charas. Moreover, there is sufficient materials in the C.D showing direct nexus of the present accd person in the alleged commission of offence. As regards the submission of Ld. Defence counsel that no police personnel has been made witness in the search cum S.L, this court is of view that this issue can only be agitated at the time of trial but not at this stage.

Hence, in view of above, particularly considering the bar as laid down in Section-37 of NDPS Act, the prayer for bail stands rejected.

I.O has submitted a compliance report as per direction of this Court passed vide order dtd 20.4.2024. Let the compliance report be kept with the record.

All the accd persons be remanded to J.C till 18.05.2024.  
C.D be returned.

To date for I.O's report and production.

D/corr by me,

4<sup>th</sup> ASJ, Alipore.  
**(J.O.Code-WB00705)**