

NDPS-1/24

19.8.2024

All the four accd persons namely Jahangir Ali Mondal, Imran Sheikh @ Raja, Md Dilnawaz and Mahadeb Nayaban are produced from J.C.

Today is fixed for consideration of charge, hearing of the petition praying for supply of copy of some documents and hearing bail petition.

A fresh vakalatnama has been filed by ld. Advocate Ashok Kr Chowdhury on behalf of accd Jahangir Ali Mondal. Let the fresh vakalatnama be kept with the record.

The petition praying for supply of copy of CCTV footage/pen drive in favour of the accd persons is taken up for hearing.

Hd both sides. Perused.

Fix 2.9.2024 for passing order.

Now a petition praying for bail on behalf of accd Mahadeb Nayaban and Jahangir Ali Mondal is taken up for hearing.

Hd both sides. Perused.

It is submitted by ld. Defence counsel that both the accd persons are not named in FIR. No contraband substance has been recovered from the possession of the aforesaid accd persons. It is further submitted on behalf of accd Mahadeb Nayaban that this accd has been entangled in this case only on the basis of statement of the co-accd and statement of the co-accd being not admissible in evidence, the accd persons deserve to be enlarged on bail. Ld. Defence counsel in course of hearing places before this court two judgments passed by Hon'ble High Court of Delhi., being Bail Application No-1383/2022 and 3494/2021.

Ld. P.P in-charge strongly opposes the prayer for bail submitting inter-alia that this court on several occasions rejected the prayer for bail of the accd persons after submission of charge sheet and since then no change of circumstances has been made out. It is further submitted that the present case involves commercial quantity of contraband substance and there is sufficient materials showing involvement of the accd persons in the alleged commission of offence.

Considered the submission of both sides and also considered the entire materials on record.

This case involves commercial quantity of contraband substance. It further appears that this court on several occasions vide order dtd 22.7.24, 25.7.24 rejected the prayer for bail of the present accd persons on merits after submission of charge sheet and since then no change of circumstances has been made . I have also gone through the judgments of Hon'ble Delhi High Court placed by Ld. Defence counsel and after reading the judgments, this court finds that those two judgments have no application in facts & circumstances of the present case.

Thus in view of the aforesaid reasons, this court is not inclined to enlarge the accd persons on bail. Accordingly the prayer for bail stands rejected.

To date for production and for passing order in respect of the petition dtd. 12.8.2024 praying for supply of copy of CCTV footage/pen drive .

D/corr by me,

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