

11.11.2024

The P.C accd persons namely Tohid Molla and Jakir Hossain Molla are returned from P.C along with a prayer for further P.C of seven days of the aforesaid accd persons.

At this stage bail moved on behalf of both the accd persons along with a fresh vakalatnama on behalf of both the accd persons by Ld. Advocate Ainul Siddiqui. Let the vakalatnama be kept with the record.

Now the petition praying for bail is taken up for hearing.

Hd. Both sides. Perused.

Ld. Defence lawyer in course of hearing submits that the accd persons have been falsely entangled in this case .Ld. P.P in-charge strongly opposes the prayer for bail submitting inter-alia that this case involves huge quantity of Ganja and moreover investigation is on full swing.

Having considered the submission of ld. Defence counsel as well as Ld. P.P in-charge and also after due consideration of the entire materials on record, it appears that the instant case involves 86 kgs of Ganja. Thus considering the nature of allegation specially considering the rigor as provided in Section 37 of NDPS Act, this court is not inclined to enlarge the accd persons on bail. Accordingly the prayer for bail stands rejected.

Now the prayer for further Police Custody of the accd persons is taken up for hearing. The P.C prayer is duly recommended by SDPO Bishnupur.

C.D is produced.

I.O is present.

Ld. P.P in-charge Sri Amal Pal in course of hearing fairly submits that the investigation in this case is being conducted by the I.O, S.I Paritosh Halder of Bishnupur P.S in very effortless manner and he further submits that materials on C.D do not justify at all further P.C of the accd persons and in this facts and situation he prays for passing necessary order.

This court has also considered the relevant materials on C.D as well as the materials on record wherefrom it is found that this court vide order dtd 6.11.24 granted police custody of both the accd persons for five days fixing today for production from police custody and I.O today by filing a separate application has prayed for further police custody of seven days of both the accd persons . On going through the materials on C.D this court does not find any cogent ground or reason for granting further P.C of the accd persons.

Thus in view of this it appears to this Court that the prayer for further P.C of the accd persons being without any substance stands rejected.

It came to the notice of this court that in some cases under NDPS Act the investigation is being conducted by the concerned I.Os in a very lackadaisical manner and I.Os are in the habit of submitting prayer for further P.C without any cogent ground or reason as well as without any justification and this case is a glaring example of such approach of the I.Os. This court is of further view that this conduct of the I.O ( S.I Paritosh Halder of Bishnupur P.S) should be brought within the notice of S.P Diamond Harbour Police District only for the sake of proper investigation of the cases under NDPS Act and for this, the court is inclined to send a copy of relevant portion of this order to S.P Diamond Harbour Police District with a request to take appropriate steps in this regard only for the sake of proper investigation of the cases under NDPS Act.

Inform S.P Diamond Harbour Police District by sending a copy of the relevant portion of this order for information and taking appropriate action in this regard.

Fix 25.11.2024 dor production and I.O's report.

Return C.D.

D/corr by me,

4<sup>th</sup> ASJ, Alipore.

**(J.O.Code-WB00705).**

