

NDPS Case No.01 of 2022
JO CODE No.WB00575
CNR No.WBUD01-000108-2022

Order No.31
02.05.2023

Out of six charge sheeted accused persons facing trial accused no.1. Sunil Kr. Basak, 2. Mithun Kr. Basak, 3. Saroj Kumar, 4. Ranjit Kr. Biswas, 5. Vishal @ Bishal Haldar in J/C are physically produced from J/C and remanded to J/C.

Accused no.6 Motiur Rahaman on court bail is present filing hazira.

Ld. Lawyers for accused persons are present.

Ld. PP in charge is also present with case diary.

Today is fixed for production, appearance and consideration of charge.

Heard both sides. Perused the case record and case diaries.

It appears that there is sufficient ground for presuming that all the six accused persons have committed an offence u/s.21(C) of the NDPS Act. Accordingly, the charge u/s.21(C) of the NDPS Act is framed in prescribed format and the contents of the charge is read over and explained to all six accused persons in open court to which all plead not guilty by saying "Amra Nirdosh" and claim for trial.

Accordingly, the following dates are fixed for evidence consecutively due to heavily congestion of PO's diary.

To **10.08.2023** for evidence of CSW Nos.1,

To **11.08.2023** for evidence of CSW Nos.2, 3 & 4,

To **16.08.2023** for evidence of CSW Nos.6, 7 & 8,

To **17.08.2023** for evidence of CSW Nos.9 & 11 (IO of this case).

Prosecution is directed to file written up process for issuance of summons upon the witnesses and to produce the alamats of the case on the dates fixed as per above schedule.

One bail application on behalf of accused Sunil Kr. Basak, Ranjit Kr. Biswas and Saroj Kumar is filed.

Another bail application on behalf of accused Vishal @ Bishal Kr. Haldar is filed and another fresh Vokatnama on behalf of accused Sunil Kr. Basak is also filed.

Let the Vokatnama be kept with the record.

Bail applications are taken up for hearing.

Ld. Lawyer for the accused Vishal @ Bishal Haldar submits that this accused surrendered before this court and with certain observation this court released him on bail but from the prosecution side one prayer for cancellation of bail was filed on the ground that suppressing the fact of rejection of anticipatory bail u/s.438 of Cr.P.C by Hon'ble High Court immediate before the surrender of this accused.

It is further submitted that this court on considering the suppression of material facts, was pleased to cancel the bail and taken him custody.

It is further submitted orally as well as in writing that this petitioner preferred revision before the Hon'ble High Court against the order of cancellation of bail by this court. But the Hon'ble High Court has been pleased to reject the revisional application on the ground of not maintainable.

It is further submitted that this petitioner is on same footing with the accused Motiur Rahaman and be released on bail as this court was pleased to allow his bail with a same observation.

Ld. PP in charge, in his turn, has strongly raised objection by submitting that this petitioner absconded for long time and this court rejected his application u/s.438 of Cr.P.C thereafter this petitioner filed an application u/s.438 of Cr.P.C before the Hon'ble High Court and the same was rejected but suppressing that fact of rejection by Hon'ble High Court this petitioner surrendered before the court and the court without having knowledge of rejection of bail u/s.438 of Cr.P.C, allowed the bail application of this petitioner.

It is further submitted that there are sufficient materials against this petitioner along with others for directly involvement for committing the offence.

Having heard both sides at length.

Having perused the case record and case diary carefully.

It appears that this petitioner by suppressing the material facts of rejection of anticipatory bail u/s.438 of Cr.P.C by Hon'ble High Court obtained the bail from this court. Thereafter this court was pleased to cancel the bail on the ground of suppressing the material facts.

Apart from it, upon carefully going through the case diary, it appears from page nos.99 to 136 of the case diaries from call details there were so many telephonic conversations and communications between this petitioner and Sunil Kr. Basak and others.

In view of above and keeping in mind the trial of the cases by fixing consecutive dates, I am not inclined to allow his bail prayer.

As such, bail prayer stands rejected.

Return CD.

To-date for evidence.

Spl.Judge(NDPS)

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