

NDPS Case No.04 of 2022
JO CODE No.WB00766
CNR No.WBUD01-000228-2022

Later
19.01.2022

A bail petition is filed on behalf for accused persons namely, Biren @ Daktar and Avinash Kumar Basak.

It is submitted by Ld. Defence lawyer that the accused persons are innocent and they have falsely implicated in this case. He further submits that nothing was seized from the possession of accused persons. He further contended that there is no chance of their abscondence, if they are released on bail. Accordingly, he prays for releasing the accused persons on bail on any condition or conditions.

Ld. PP in charge opposes the prayer for bail u/s.37 of NDPS Act.

On perusal of the record, I find that commercial quantity of narcotic substance was seized and recovered from the possession of the present accused persons. Considering the same and the early stage of investigation, the prayer for bail of accused persons stands rejected.

The IO is present. He has prayed for permitting the accused persons Biren @ Daktar and Avinash Kumar Basak to take in police custody for **7 (seven) days** for the purpose of the effective investigation. The prayer for police custody of accused persons have duly forwarded and recommended by the SDPO, Dalkhola Police District as well as by OC, Dalkhola PS, Uttar Dinajpur.

I have examined the CD. It appears to me that granting the prayer for police custody to trace out the originator of the business and to recover contraband articles is necessary for the interest of investigation.

In view of above, the prayer for police custody of accused persons are hereby allowed for five days i.e. from 19.01.2022 and 23.01.2022. **IO is permitted to take the accused persons Biren @ Daktar and Avinash Kumar Basak in police custody for 5 (five) days. The IO is directed to strictly follow the guidelines as propounded by the Hon'ble Apex Court, while the accused persons Biren @ Daktar and Avinash Kumar Basak will be in police custody. He is further directed to get the accused persons examined medically on every interval of 24 hrs and to produce them on 24.01.2022.**

Let a copy of the order be supplied to the IO in open Court for strict compliance.

Return the CD.

Dictated & corrected
by me

Judge Special Court (NDPS)
Raiganj, Uttar Dinajpur

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