

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

Order No.12

07.06.2022

Today is fixed for production and IO's report.

Accused Biren Das @ Daktar and Avinash Kumar Basak are produced from J/C physically.

Ld. PP in charge is present.

Bail petitions are filed for accused persons namely, Biren Das @ Daktar and Avinash Kumar Basak.

Copy of bail petitions are served upon Ld. PP in charge.

At this stage, Ld. Advocate for accused Biren Das @ Daktar not pressed the bail application. Hence, the same is rejected being not pressed.

It is submitted by the Ld. Advocate appearing for the accused persons that no bail application is pending u/s.439 of Cr.P.C in respect of the present accused persons in any higher forum.

The Ld. Advocate for the accused person submits that accused is innocent and he is in jail custody since 19.01.2022. He further submits that no narcotic substance was ever seized from the possession of the present accused. According to him, accused is permanent resident within the jurisdiction of this court and there is no chance of his abscondence, if he is released on bail. For the reasons stated above, he prays for releasing the accused on any terms and conditions.

On that other hand Ld. PP in charge raises objection regarding the release of the accused on bail and files objection u/s.37 of the NDPS Act.

On perusal of the record, I find that 100 bottles of Phensedyl Cough Syrup containing codeine phosphate was seized from the possession of the present accused. The quantity is commercial one. As such, there is no scope to presume that accused persons are not guilty for committing the offence. Accordingly, prayer for bail is hereby rejected.

To **21.06.2022** for production and IO's report.

Spl.Judge(NDPS)
Raiganj,U/Dinajpur

Spl.Judge(NDPS)
Raiganj,U/Dinajpur