

NDPS Case No. 62 of 2025
CNR No. WBUD01-00-3364-2025
Under Section 21(c)/23(c) NDPS Act

State

Versus

Keshab Das (A1), Biswajit Roy (A2) & Jotiurmoy Biswas (A3)

Order No. 10
09.02.2025

1. Today stands earmarked for production of CD and hearing of the application for bail filed on behalf of the accused A1 & A3 dated 04.02.2026.
2. Learned Lawyer for the accused/petitioners is present.
3. Learned PP-in-charge is present with the IO and CD.
4. The record is taken up for hearing.
5. Heard both sides.
6. Learned Lawyer for the accused/petitioners submits that there is a gross disparity with regard to the weight of the contraband seized, as shown in the seizure list and letter of complaint (being 20.81 Kgs.) and in the report of the Learned Magistrate prepared at the time of certifying the inventory (being 20.832 Kgs).
7. According to Learned Lawyer for the accused/petitioners owing to such disparity his clients deserve to get bail.
8. Learned PP-in-charge raises strong objection and submits that report of expert underpins the nature of the contraband as *cannabis (Ganja)* and the investigation is lying at the verge of its completion where the IO would submit report in final form within a week next.
9. Record says that similar prayer of the accused A1 & A3 were rejected on 18.12.2025 & 07.01.2026.
10. Successive applications for bail is, no doubt, acceptable but in that eventuality the accused/petitioner must show a new ground which was not raised or adjudicated earlier.
11. In our case, the difference of weight, as pointed out by Learned Lawyer for the accused/petitioner, is $(20.832 - 20.810 = 0.022 \text{ grams})$.
12. We know that the weight of *Ganja* gets enhanced due to absorption of moisture.
13. However, the point so raised can very well be thrashed during trial of this case and not at this initial stage.
14. A disquieting feature of this case is that in the case in hand the prosecution has alleged recovery of *Ganja*, a narcotic drug, from the possession of the accused persons, but this case was registered under Section 21(c) NDPS Act which deals with *manufactured drug*, instead of Section 20(b)(ii)(C) NDPS Act.
15. Be that as it may, nothing is forthcoming which can lift the statutory restriction of Section 37 NDPS Act.
16. It scarcely requires reiteration that the scourge of narcotics has gnawed at the very sinews of our social fabric, and any unwarranted indulgence in the grant of bail, in defiance of the statutory embargo engrafted under Section 37 of the NDPS Act, would not only subvert the legislative mandate but also stifle the faith of society in the majesty and efficacy of the judicial process.
17. For reasons as above, all the pending applications for bail stand rejected.
18. To date (18.02.2026) for production of the accused persons & IO's report in final form.
19. CD be returned. A copy be sent to the I.O.

Dictd. & Cortd.

Judge, Spl. Court (NDPS Act)
1st Court, Raiganj, U/Dinajpur.

Judge, Spl. Court (NDPS Act)
1st Court, Raiganj, U/Dinajpur.

