

NDPS 07 of 2025
CNR No.WBUD01000587-2025
JO Code No.WB01460

Order No.17
09.09.2025

Today is fixed for production and consideration of charge.

Accused person Subarul Islam @ Fakir is produced from J/C physically and remanded to J.C.

Ld. Counsels of both sides are present.

One bail petition is filed on behalf of the accused person together with one petition praying for authentication of the quantity of seized contraband substance in view of Chemical examination report submitted in Court. Copy served.

At the time of hearing Ld. Advocate for the accused prays for not pressing the bail petition and accordingly, the bail petition be rejected being not pressed.

At this stage, the petition praying for authentication of the quantity of seized contraband substance in view of Chemical examination report submitted in Court is taken up for hearing.

Heard both sides.

Ld. Lawyer for accused person submits that the accused person is innocent and he has been falsely implicated in this case and accused person has been detained in custody since 13.02.2025. It is his specific submission that the chemical examination report reveals that entire alleged seized substance was not contraband articles and therefore, he submits that it is case of less than commercial quantity and, therefore, accused is entitled to be released on bail on any condition. Accordingly, he prays for passing necessary order in this regard.

Ld. PP-in-charge fairly submits that the chemical report may be verified further for the interest of justice.

In view of the aforesaid facts and circumstances, this Court has minutely perused the FIR, seizure list inventory report including chemical examination report being report No. NDPS/2975/2025/8712/FSL dated 02.05.2025 received from SFSL, Kolkata.

After hearing both sides and on minutely perusal of the case record together with the report of SFSL it appears that as per said report dated 02.05.2025 one substance 'Noscapine' has been detected in the content of Exhibits marked A/b/1 and A/c/1 which are not covered under the purview of NDPS Act as per said report. In the simile this Court has minutely perused the inventory report from which it appears that sample Exhibit marked A/a/1 weighing about 17.25 gram was prepared from seized alamat marked Exhibit A/a weighing about 101.24 gram while sample Exhibit marked A/b/1 weighing about 20.62 gram was prepared from the seized alamat marked Exhibit A/b weighing about 100.90 gram and sample Exhibit marked A/c/1 weighing

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about 12.33 gram was prepared from seized alamats marked Exhibit A/c weighing about 100.8 gram respectively and all those three sample exhibits marked A/a/1, A/b/1 and A/c/1 were sent to SFSL, Kolkata for the result of their examination which have been received to this end vide report No. NDPS/2975/2025/8712/FSL dated 02.05.2025. It further appears in the report itself that in addition to said substance 'Noscaphine' not covered under the NDPS Act. Other substances being Diacetylmorphine and 6-Monoacetyl Morphine have also been detected there which are covered under the NDPS Act.

In the present facts and circumstances, considering all aspects, this court is of the view that a clarification and/or rectification report is required from the end of the SFSL Authority in order to ascertain with authenticity the exact weight of the contraband substance falling under the NDPS Act.

Accordingly, I.O is directed to communicate this order to the concerned scientific officer of SFSL, Kolkata at the earliest with a copy of the report No. NDPS/2975/2025/8712/FSL dated 02.05.2025 for the aforesaid regarding further proceeding in the case for ends of justice.

Let a copy of this order be sent to IC, Islampur PS through SP, Islampur PD for strict compliance.

IC, Islampur PS is further directed to ensure submission of report in view of the aforesaid together with clarification and/or rectification report from SFSL, Authority positively by the date fixed.

To **24.09.2025** for production, appearance and IO's report along with CD.

D/C by me

Judge Special Court (NDPS)
Raiganj, Uttar Dinajpur

Judge Special Court (NDPS),
Raiganj, Uttar Dinajpur