

NDPS Case No. 15 of 2026
CNR NO WBUD01-000631-2026
J.O CODE WB00993

Order No. 04
06.04.2026

Regular P.O is on Spl. SIR duty.

Today is fixed for production of the accused persons, I.O's report and CD.

Both the accused persons namely, **Fayaj Rahaman and Amit Das** are produced from J/C through VC Mode and remanded to J/C.

Ld. Advocate for the accused persons is present.

One bail petition is filed on behalf of the two accused persons namely, **Fayaj Rahaman and Amit Das**.

Copy of the bail petition is served.

Ld. PP-in-charge is present and filed a petition u/s 37 of NDPS Act praying for rejection of bail.

The bail petition is moved for the accused persons.

CD is produced today.

Heard both sides.

Perused the case record and CD.

Ld. Advocate submitted that these accused persons are in custody since **02.03.2026**. The accused persons were taken into PC for six days and after completion of PC period, they were remanded to JC. The allegations brought against the accused persons is fabricated. The accused persons are not involved in the alleged offence. Ld. Advocate emphasise that in the FIR/written complaint in page no. 3, the police lodging FIR has mentioned that the seized packets containing brown sugar was found in a blue coloured plastic box. Ld. Advocate emphasize that at the time of seizure, only the plastic packets containing suspected brown sugar was seized. Any blue coloured plastic container has not been seized. Ld. Advocate argued that this type of narration in the FIR is contrary to the seizure. There is no mention in the seizure list in respect of any blue coloured plastic box. Ld. Advocate argued that the entire story of search and seizure is concocted. The accused persons are innocent and are not involved in the alleged incident. Ld. Advocate accordingly, he prayed for allowing bail to the accused persons on any condition.

Ld. PP submitted that the seizure shows recovery of commercial quantity of Heroin "Brown Sugar" weighing total 255 grams., which is of huge quantity. The case is at an early stage and investigation is going on. The procedure of search and seizure has been properly performed. Ld P.P argued that huge quantity suspected brown sugar has been shown to have been seized from the conscious possession of the accused persons. Ld. PP accordingly, prayed for rejection of bail petition.

After hearing of both sides and on perusal of the case record, it appears that the case involves recovery of commercial quantity of narcotic drugs. Moreover, this is no prima facie material to hold that these accused persons are in no way involved with the alleged offence. There is also no such material to hold that if the accused persons are granted bail, they shall not indulge into similar kind of offence. Investigation is going on. Moreover, I would like to emphasis that even if any minor discrepancy is found, that itself does not create prima facie evidence to believe and hold that these accused persons are not involved in the alleged incident. The presumption of culpable mental state cannot be ruled out under any circumstances.

In the present circumstances, keeping in mind the bar u/s. 37 of NDPS Act, I am not inclined to allow the prayer for bail of the accused persons. Hence, the bail prayer of the accused persons namely, **Fayaj Rahaman and Amit Das** stands rejected at this stage.

To (20.04.2026) for production of the accused persons and I.O's report.

Return CD.

D/C by me

Judge, Spl. Court, I/C
Raiganj, UttarDinajpur

Judge, Spl. Court, I/C
Raiganj, Uttar Dinajpur.