

NDPS Case No. 56 of 2025
CNR NO WBUD01-003201-2025
J.O CODE WB00993

Order No. 16
24.03.2026

Record is put up by a put up petition.
Regular P.O is on Spl. SIR duty.

Ld. Advocate for the accused person namely, **Md. Alam Sekh** is present.

One bail petition is moved for the custody accused person namely, **Md. Alam Sekh**.

Copy served.

Heard both sides.

Perused the case record.

Ld. Advocate submitted that the accused has been in custody since 24.09.2025. It was contended that the allegations brought against the accused are fabricated and that he is not involved in the alleged offence. It was further submitted that the investigation is over and charge sheet has been filed against this accused. Ld. Advocate further submitted that there is no likelihood of the accused to abscond. The accused is willing to face the trial. Ld. Advocate further submitted that accused has been languishing in custody since long. The FSL Report in respect of the three samples sent for forensic examination has been received and from such report it can be found that in respect of Exbt. C1 ii is reported that no narcotic drugs and psychotropic substance was detected. Ld. Advocate argued that if the quantity as shown in Exbt. C1 is not considered, the rest portion of the seized narcotic substance does not come under the purview of commercial quantity. For that reason, the bar u/s 37 of NDPS Act does not apply any more. Ld. Advocate accordingly, prayed for grant of bail to the accused on any condition considering the long detention of the accused in custody.

Ld P.P, on the other hand, submitted that from the report it can be found that narcotic drugs was not detected in case of the sample marked C1. Ld. P.P accordingly left the matter to the discretion of the Court.

I have taken into consideration the submissions made by both sides. This is fact that the report forensic examination shows that Exbt. C1 does not contain narcotic substance. But the same report shows positive result in case of the other two exhibits being A1 and B1.

Having considered the fact that the entire quantity under the present circumstances may not create absolute bar u/s 37 of NDPS Act, yet the presumption of culpable mental state of the accused cannot be ruled out.

I do not consider this situation to be a special circumstance to abruptly consider the bail application in respect of the accused at this stage.

In view of the aforesaid findings, I am not inclined to allow the prayer for bail in respect of accused Md. Alam Sekh at this stage.

Accordingly, the bail petition stands rejected.

To date (**12.05.2026**) physical production of the accused person and consideration of charge.

The Superintendent of Raiganj District Correctional Home is directed to produce the accused physically on date fixed ie on 12.05.2026.

Let a copy of this order be sent to the Superintendent of Raiganj District Correctional Home for compliance.

D/C by me

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

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

NDPS Case No. 56 of 2025
CNR NO WBUD01-003021-2025
J.O CODE WB00993

Order No. 16
20.03.2026

Record is put up today by put up petition.

Regular P.O is on Spl. SIR duty.

Ld. Advocate for the accused person is present.

One bail petition is moved for the custody accused person namely, **Md. Alam Skeh.**

Heard both sides.

Perused the case record.

Ld. Advocate submitted that the accused has been in custody since 24.09.2025. It was contended that the allegations brought against the accused are fabricated and that he is not involved in the alleged offence. It was further submitted that the investigation has already been completed, and there is no likelihood of the accused absconding. The accused is willing to face the trial. Accordingly, the Ld. Advocate prayed for grant of bail to the accused on any condition.

Ld Public Prosecutor, on the other hand, submitted that the seizure reveals recovery of a commercial quantity of brown sugar weighing 351.56 grams, which is a substantial quantity. It was further submitted that the procedure of search and seizure has been duly complied with. The Ld. Public Prosecutor also submitted that the charge sheet has already been filed against the accused. The trial is likely to commence shortly. Furthermore, it was argued that there exists a statutory bar under Section 37 of the NDPS Act, as the seizure involves a commercial quantity. Accordingly, the Ld. Public Prosecutor prayed for rejection of the bail application.

Upon hearing both sides and on perusal of the case record, it appears that the case involves recovery of a commercial quantity of brown sugar and that the charge sheet has already been submitted. Moreover, there is no *prima facie* material on record to conclude that the accused is in no way involved in the alleged offence. There is also no material to suggest that, if released on bail, the accused would not indulge in similar offences. Accordingly, this is a case where the statutory bar under Section 37 of the NDPS Act is clearly applicable.

In the circumstances, I am not inclined to allow the prayer for bail of the accused person. Hence, the bail prayer of the accused person namely, **Md. Alam Skeh** stands rejected at this stage.

To date (12.05.2026) physical production of the accused person and consideration of charge.

The Superintendent of Raiganj District Correctional Home is directed to produce the accused physically on date fixed ie on 12.05.2026.

Let a copy of this order be sent to the Superintendent of Raiganj District Correctional Home for compliance.

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

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Raiganj, Uttar Dinajpur.