

NDPS Case No. 17 of 2026
CNR NO WBUD01-000718-2026
J.O CODE WB00993

Later:
Dated: 20.03.2026

Accused **Aminul Islam** is produced from PC by the IO along with return memo and medical papers.

It appears from the record that on 15.03.2026, the accused was produced after arrest before Ld.CJM, Uttar Dinajpur at Raiganj and on that date, Ld.CJM, Uttar Dinajpur at Raiganj, has allowed five days P.C of the accused with a direction to produce him on this date. Accordingly, the accused is returned from P.C on this date.

CD is produced.

IO does not make any further prayer for PC and prays for taking the accused in JC. Prayer is allowed.

Accused is remanded to J/C.

One application for bail accompanied by *vakalatnama* is filed on behalf of accused **Aminul Islam**.

Copy of bail petition is served upon Ld. PP in charge.

The Ld Advocate for the accused submits that the accused is innocent and has been falsely implicated in the present case. The accused was arrested allegedly on the basis of the statements made by the other accused persons while in P.C. No recovery has been shown from the custody of this accused. The charge brought against this accused is only with respect to the offence punishable u/s 29 of NDPS Act. Ld. Advocate emphasized that in the Arrest Memo, the ground of arrest has not been specified in accordance with the latest direction of the Hon'ble Apex Court. Ld. Advocate further argued that this accused was taken in P.C for five days and during the P.C period, no fruitful result could be achieved. Till this date, the investigating agency has failed to collect any prima facie evidence to show the involvement of this accused in the alleged incident.

It is further contended that the accused is a permanent resident within the jurisdiction of this Court and that there is no likelihood of his absconding if released on bail. Ld. Advocate further argued that statutory bar u/s 37 of NDPS Act does not apply to this accused as no recovery is shown from his possession. At this stage, the investigating agency has failed to collect any evidence against this accused. Accordingly, Ld. Advocate prayed for allowing bail to this accused on any condition.

On the other hand, the Ld. Public Prosecutor-in-Charge strongly opposes the bail application. It is submitted on behalf of the prosecution that this case is at an initial stage of investigation. Huge quantity of narcotic substances was recovered from the possession of the other co-accused persons. The investigation with respect of the involvement of this accused is going on and at this stage, the statutory bar u/s 37 of NDPS Act is well applicable in

respect of this accused also. Ld. PP accordingly prayed for rejection of bail application of this accused.

Perused the case record including FIR, seizure list and documents such as Arrest and Inspection Memo.

From the Arrest Memo, it can be found that the ground of arrest has been mentioned.

It appears that the investigation is now at a preliminary stage and evidence is forthcoming. At this stage, there is no prima facie evidence to come to any definite finding that this accused is not at all involved with the alleged incident. There is also no prima facie materials to hold that if the accused is granted bail, he shall not commit any other offence. Accordingly, I am of the view that the statutory bar u/s 37 of NDPS Act is well applicable in respect of this accused, at least at this stage.

Considering the facts and circumstances stated above, the prayer for bail of the accused hereby stands rejected.

Accused be sent to J/C.

To **01.04.2026** for production and IO's report.

Return CD with a direction to produce the same on the next date.

D/C by me

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

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