

NDPS Case No. 22 of 2026
CNR No. WBUD01-00-1048-2026
Under Section 21(c)/29 NDPS Act
State Versus Monsur Alam (A1) and Rejaul Islam

Order No. 14
01.07.2026

1. This day stands appointed for the consideration and hearing of the application for bail preferred on behalf of accused **Rejaul Islam (A2)**, presented before this Court on **26.06.2026**.
2. Learned Counsel appearing for the said accused is present.
3. Learned Public Prosecutor has likewise entered appearance along with a written objection against the prayer for bail submitted by the IO.
4. The application for bail dated **26.06.2026** is accordingly taken up for hearing.
5. Heard both sides & perused the materials on record and CD.

RIVAL SUBMISSIONS

6. Learned Counsel appearing for the accused/petitioner, with customary eloquence and considerable persuasion, canvassed the prayer for bail on the following, amongst other, grounds:
 - a. That the accused has remained in judicial custody since **13.04.2026**.
 - b. That his implication in the present case rests upon allegations which are wholly unfounded and devoid of factual substratum.
 - c. That no incriminating article or contraband was recovered from his conscious possession.
 - d. That as the investigation has culminated in submission of charge-sheet question of custodial interrogation does not arise any more.
 - e. That the accused is the sole breadwinner of his family, whose continued incarceration has cast a pall of financial distress upon his dependants.
7. Per contra, Learned P.P.-in-Charge, with marked vehemence, stoutly resisted the prayer for bail on the following grounds:
 - A. That the seizure pertains to **101 bottles of Phensedyl cough syrup containing Codeine Phosphate**, constituting contraband far in excess of the notified commercial quantity.
 - B. That the Call Detail Records reveal telephonic communication between the principal accused and the present accused immediately preceding the seizure, prima facie evincing the latter's complicity in the alleged offence.
 - C. That the statutory embargo embodied in **Section 37 of the NDPS Act** stands attracted with full vigour, thereby placing formidable restrictions upon the exercise of this Court's discretion to enlarge the accused on bail.

DISCUSSION AND DECISION

8. It is an admitted position that no contraband article was recovered from the conscious possession of the accused/petitioner.
9. Equally undisputed is the fact that the complicity of the accused/petitioner surfaced only through the disclosure made by the principal accused (A1).
10. Significantly, the period of five days' police custody of the accused/petitioner failed to yield any incriminating recovery or other material of a decisive character.
11. It is of considerable significance that, in the written objection tendered today, the Investigating Officer has candidly acknowledged that neither does the bank account of the accused/petitioner disclose any transaction of a suspicious complexion, nor do the Call Detail Records reveal any outgoing call emanating from the accused/petitioner to the principal accused (A1), thereby denuding the prosecution case of a material incriminating circumstance.

12. The mere existence of telephonic communication between the principal accused and the accused/petitioner, bereft of any contemporaneous recovery or other cogent incriminating circumstances, does not, at this prima facie stage, inexorably attract the rigour of Section 37 of the NDPS Act.
13. The complete absence of recovery of any contraband from the possession of the accused/petitioner considerably attenuates the statutory embargo engrafted under Section 37 of the NDPS Act, thereby restoring to this Court its ordinary discretion in the matter of bail.
14. The disclosure statement of accused A1, as reflected at page 49 of the Case Diary, standing by itself, does not erect an insurmountable barrier against the present prayer for bail.
15. Furthermore, the investigation has reached its terminus, and the Investigating Officer has already laid the charge-sheet against both the accused persons, thereby substantially diminishing the necessity of the accused/petitioner's further custodial detention.
16. For the reasons as above, the prayer for stands allowed.
17. Accused **Rejaul Islam (A2)** may find an **interim bail** of **Rs. 20,000/- with two sureties of Rs. 10,000/- each, of whom one must be local**, subject to the satisfaction of Learned CJM, Raiganj, Uttar Dinajpur and on further conditions that –
 - A. During the currency of his release on bail, the accused/petitioner shall not depart from the territorial jurisdiction of this Court, save and except for the purpose of attending judicial proceedings or with the prior leave of this Court.
 - B. The accused/petitioner shall neither, directly or indirectly, influence, induce, intimidate, or allure any prosecution witness, nor shall he tamper with the evidence or otherwise impede the fair and untrammelled course of justice in any manner whatsoever.
 - C. The accused/petitioner shall remain personally present before this Court on each and every date fixed for the proceeding, unless his personal attendance is dispensed with in accordance with the provisions of Section 355 of the BNSS upon assignment of a justifiable and bona fide cause.
18. If on bail to **03.07.2026** for appearance.
19. A copy of this order be forwarded to the Superintendent, District Correctional Home, Raiganj with a direction to ensure the physical production of accused A1 (Monsur Alam) on **03.07.2026**.

Dictd. & Cortd.

Judge, Spl. Court
1st Court, Raiganj, U/Dinajpur.

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