

NDPS Case No.20 of 2021
JO CODE No.WB00766
CNR No.WBUD01-000908-2021

Order No.10
13.07.2021

Today is fixed for production of accused and IO's report.
Accused Jiarul Islam @ Rahaman is produced from JC through V.C.

Bail petition is filed for accused Jiarul Islam @ Rahaman. Copy of bail petition is served upon Ld. Spl. PP.

It is submitted by the Ld. Advocate appearing for the accused that no bail application is pending u/s.439 of Cr.P.C in respect of the present accused in any higher forum.

The Ld. Advocates for the accused person submits that accused person is innocent and he is languishing in jail custody on and from 29.03.2021. He also submits that accused person has falsely implicated in this case. The specific contention of the Ld. Advocate for the accused that no contraband articles has been seized from the possession of the accused person. According to him, if the accused person is released on bail, he will not tamper the prosecution witness and will face the trial. For the reasons stated above, he prays for releasing the accused on bail on any condition or conditions.

On the other hand Ld. PP in charge raised objection regarding the prayer for bail of the accused by filing an objection u/s.37 of NDPS Act but at the same time he is in consonance with the Ld. Defence counsel that there is no seizure list in the record by which, seizure was made by the BSF personnel from the accused.

CD is produced.

I have perused the CD and other materials on record. On perusal of the record I find that accused is in custody for more than 106 days and prosecution has failed to complete the investigation till date. Most significantly, I find that there is only one seizure list made by the police personnel by which 57 bottles of Phensedyl cough syrup was seized and those narcotic substance was produced by the BSF personnel to the police. There is no seizure memo prepared by the BSF personnel in respect of those seizure. That being so, it is clear enough to show that there is no document in the four corners of the materials on record and CD which suffice the seizure of narcotic substance from the physical or conscious possession of the accused. In the light of the foregoing discussion, I am inclined to release the accused on bail.

Accordingly, I am inclined to release the accused person namely, Jiarul Islam @ Rahaman on bail. He may find bail of Rs.10,000/- each with two sureties of Rs.5,000/- each, one of whom must be local subject to the satisfaction of Ld. CJM, Uttar Dinajpur on condition that he will not involve himself in committing similar type of offence and will meet with IO once in a fortnight till completion of the investigation.

Return CD.

If on bail **28.09. 2021** for appearance of accused person and IO's report.

Spl.Judge(NDPS)
Raiganj,U/Dinajpur

Spl.Judge(NDPS)
Uttar Dinajpur