

Spl. NDPS Case No.15 of 2020
JO CODE No.WB00766
CNR No. WBUD01-000915-2020

Order No.26
23.02.2022

Today is fixed for production and ER of WPA in respect of accused Hajrat Ali @ Hoja and Abdul Kalam. Accused Sk. Dalim and Khurshed Alam are produced from J/C. No ER of WPA in respect of accused Hajrat Ali @ Hoja and Abdul Kalam is received. Bail petition is filed for accused Khurshed Alam and Sk. Dalim.Ld Advocate for accused Sk. Dalim files fresh Vokatnama. Copy of bail petition is served upon Ld. Spl. PP. It is submitted by the Ld. Advocate appearing for the accused persons that no bail application is pending u/s.439 of Cr.P.C in respect of the present accused persons in any higher forum.

The Ld. Advocates for the accused persons submit that accused persons are in custody since 08.06.2020 and they have falsely implicated in this case. Ld. Defence Counsels specifically contended that no narcotic substance was ever seized from the possession of accused persons. They further submit that accused persons are permanent resident within the jurisdiction of this court and there is no chance of their abscondence if they are released on bail. For the reasons stated above, they pray for releasing the accused persons on bail on any condition or conditions.

On the other hand Ld. PP in charge raises objection regarding the release of the accused persons on bail and files objection u/s.37 of NDPS Act.

On perusal of the record, I find that in previous several occasions prayer for bail of the accused persons were rejected after considering the CD. At this stage, I find no new grounds to entertain the bail applications of the present accused persons. It is not less significant to mention here that seizure list, FIR clearly manifest the factum of seizure of commercial quantity of Brown Sugar from the physical possession of the accused persons. Moreover CS has already been submitted in this case. As such, there is no scope to presume that the accused persons are not guilty for committing the offence. Accordingly, prayer for bail of the accused persons are hereby rejected.

No ER of WPA is received. Hence, issue reminder

To **11.03.2022** for production and WPA of the accused **Hajrat Ali @ Hoja and Abdul Kalam**

Spl.Judge(NDPS)
Raiganj,U/Dinajpur

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Raiganj,U/Dinajpur