

**NDPS Case No.15 of 2020**  
**JO CODE No.WB00766**  
**CNR No.WBUD01-00915-2020**

**Order No.29**  
**02.06.2022**

Today is fixed for production and consideration of charge.  
Accused Sk Dalim and Khurshed Alam are produced from J.C physically.  
Ld. PP in charge is present.

Ld. PP opens the case of prosecution by describing the facts of the case and by placing the documents which he wishes to produce in evidence to substantiate a charge u/s.21(C) of NDPS Act against the accused persons.

Perused the case record and the documents u/s.173 Cr.P.C. On perusal of the materials in case record as well as documents u/s.173 Cr.P.C it appears that there is sufficient reason to believe that the accused persons are involved in the commission of offence punishable u/s.21(C) of NDPS Act.

Heard Ld. Lawyer for both sides. Defence raises no objection regarding framing of charge against the accused persons under above mentioned section of law.

Accordingly a charge u/s. 21(C) of NDPS Act is framed against the accused persons. Contents of charge is read over and explained to the accused persons to which they plead not guilty and claim to be tried.

To **16.09.2022** for evidence of CSW Nos.1,  
To **19.09.2022** for evidence of CSW Nos.2,  
To **20.09.2022** for evidence of CSW Nos.3 & 4.

Prosecution is directed to file written up process for issuance of summons upon the witnesses and to produce the alams of the case on the dates fixed as per above schedule.

At this stage, one bail petition is filed for accused persons Sk Dalim and Khurshed Alam praying for releasing him on bail.

Copy is served upon Ld. PP in charge.  
Heard the Ld. Advocate for the accused persons as well as Ld. PP in charge.

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. Advocate for the accused submits that accused are in custody for a considerable period and charge sheet has already submitted in this case. As such, there is no need for further detention of accused in custody. Ld. Advocate for accused submits persons that accused will not misuse the liberty and will face the trial if he is released on bail. For the reasons stated above, he prays for releasing the accused on bail on any condition or conditions.

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

On perusal of the record, I find that commercial quantity of narcotic substance was seized from the possession of accused persons and to that effect charge sheet has already filed. After considering the materials on record charge has framed against the accused persons u/s.21(C) of NDPS Act. As such, there is no scope to presume that accused persons are not guilty for commission of the alleged offence. Hence, the prayer for bail of accused persons are hereby rejected.

To-date (**16.09.2022**) for production of accused and evidence.

Spl.Judge(NDPS)

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