

Spl.NDPS Case No.15 of 2017
JO CODE No.WB00766
CNR No.WBUD01-001280-2017

Order No.41

19.08.2021

Record is put up today along with a petition praying for bail filed on behalf of accused **Md. Muslim @ Moslem Ali**.

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

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 person in any higher forum.

The Ld. Advocate for the accused person submits that accused is innocent and he has falsely implicated in this case. The specific assertion of the Ld. Advocate for the accused is that nothing was seized or recovered from the possession of present accused person. He further contended that the accused person is in custody on and from 18.09.2020 and due to outbreak of second wave of COVID-19, no progress in trial is being made for a considerable period. According to him, accused is a permanent resident within the jurisdiction of this court and there is no chance of his abscondence if he is released on bail. For the reason stated above, he prays for releasing the accused on bail on any condition or conditions.

Ld. PP in-charge opposes the bail prayer of the accused person u/s.37 of NDPS Act.

I have perused the case record as well as Case Diary. The fact remains that after completion of the investigation, IO submitted Charge Sheet against the present accused person along with one Md. Islam u/s 27 /27 (b) of Drugs & Cosmetics Act. 1940 and section 21 of NDPS Act. Thereafter, trial has already been commenced by framing of charge u/s 21(c) of NDPS Act. 1985 and the next schedule is fixed for evidence on 09.11.2021, 10.11.2021 and 15.11.2021. It is not less significant to mention here that this Court after submission of Charge Sheet rejected the prayer for bail on 15.10.2020 and the Hon'ble Court was pleased to refuse to prayer for bail of accused on 18.11.2020. As charge has already been framed against this accused u/s 21(c) of NDPS Act., at this stage, there is no scope to presume that accused is guilty for committing the offence.

In the light of the forging discussion, I am not inclined to release the accused on bail. Hence, the prayer for bail of this accused stands **rejected**.

To date for production, appearance and evidence.

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 date fixed.

Dictated by me,

Special Judge,(NDPS)
Raiganj, Uttar Dinajpur

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