

Special NDPS Case No. 25 of 2026

CNR WBUD01-001304-2026

J.O. Code WB00883

Later /02

14.05.2026

1. Today, the Investigating Officer appears before this Court, carrying the Case Diary and placing a prayer seeking police custody of the accused, **Nabi Saikh @ Nabi Sk**, who has been produced under arrest.
2. He has also produced seized Alamat ie i) 50 bottles of Phensedyl Cough Syrup and ii) 100 bottles of Eskuf Cough Syrup in the black clour carry bag.
3. Learned Advocate by filing vokalatnama enters appearance on behalf of the accused **Nabi Saikh @ Nabi Sk** by filing hazira.
4. One application for bail has been advanced on behalf of the accused at this stage.
5. The Learned Public Prosecutor-in-Charge has formally moved the application seeking police custody of the accused Sabir Sk. for a period of ten (10) days.
6. Heard the Learned Public Prosecutor-in-Charge and the Learned Defence Counsel at length.
7. The case record and the Case Diary have been carefully perused.
8. Upon such perusal, it transpires that the prosecution case rests upon the alleged recovery of i) 50 bottles of Phensedyl Cough Syrup and ii) 100 bottles of Eskuf Cough Syrup in the black clour carry bag as reflected in the forwarding report.
9. The quantity of the alleged contraband, **being i) 50 bottles of Phensedyl Cough Syrup and ii) 100 bottles of Eskuf Cough Syrup**, is far in excess of the notified commercial quantity, thereby attracting the rigour and severity contemplated under the provisions of the NDPS Act.
10. The prayer for police custody has been duly forwarded by the Inspector-in-Charge, Raiganj Police Station, and bears the considered recommendation of the Deputy Superintendent of Police (HQ), Raiganj Police District.
11. The requirement of such recommendation by a superior officer is not an empty ritual nor a ceremonial endorsement. Its purpose is to ensure that the extraordinary power of seeking police custody is invoked with deliberation and responsibility. The superior officer is expected to keep a vigilant watch over the conduct of the Investigating Officer, to supervise adherence to statutory safeguards, and to ensure that the liberty of the accused is not curtailed except in strict conformity with law during the period of police custody.
12. In the present case, the Deputy Superintendent of Police (HQ) exercises administrative and supervisory authority over the Investigating Officer, who is a Sub-Inspector of Police. His recommendation, therefore, carries the weight of lawful oversight and affirms that the prayer for police custody has passed through a higher level of scrutiny within the police hierarchy.
13. The Investigating Officer submits that ten days' police custody is necessary to unearth the wider network involved in illicit narcotic trafficking, to apprehend other key offenders, and to recover further contraband.
14. The statement of the accused, as reflected in the Case Diary, prima facie supports the need for custodial interrogation at this stage.
15. Offences under the NDPS Act demand a firm and vigilant approach, as drug trafficking inflicts grave harm upon society.
16. The alleged recovery in the present case exceeds commercial quantity, thereby attracting the stringent provisions of the statute and underscoring the seriousness of the offence.
17. However, police custody being an exceptional measure, it must be limited to what is strictly necessary. Considering the totality of circumstances, **five (05) days'** police custody would suffice to advance the investigation.
18. Accordingly, police custody of the accused **Nabi Saikh @ Nabi Sk** is granted for a period of **five (05) days** from this day, subject to all statutory safeguards and constitutional protections being scrupulously observed.
19. Accused be produced before this Court on **19.05.2026**.
20. The Investigating Officer is peremptorily directed to observe, with unwavering fidelity, the mandates and safeguards ordained by the Hon'ble Apex Court in matters of police custody.
21. The period of custodial interrogation shall not transgress the bounds of constitutional discipline, and every procedural protection guaranteed to the accused shall be honoured in its true spirit.
22. The accused shall be subjected to medical examination at intervals of every twenty four hours during the subsistence of police custody, and the reports thereof shall be faithfully recorded.
23. The accused shall be subjected to medical examination at intervals of every twenty four hours during the subsistence of police custody, and the reports thereof shall be faithfully recorded.
24. The accused shall be produced before this Court on **19.05.2026**, unfailingly and without any deviation.
25. The bail application is kept in aveyance and will be considered after production of the accused from PC on 19.05.2026 and CD be returned.

Dictd. & Cortd.

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

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