

NDPS Case No. 32 of 2026
CNR No. WBUD01-00-1464-2026
Under Section 21(c)/29 NDPS Act
Hemtabad Police Station case No. 139 of 2026 dated 24.05.2026

State Versus Akram Hossain (A1), Sidul Rahaman (A2) and Md. Rayhan (A3)

Later
Order No. 02
01.06.2026

1. Accused persons namely, **Sidul Rahaman (A2)** and **Md. Rayhan (A3)** are produced through virtual mode and are represented by their respective Learned Advocates.
2. From the part-records transmitted by the Learned Chief Judicial Magistrate, Raiganj, Uttar Dinajpur and received by this Court today, it transpires that all the three accused persons, namely A1, A2 and A3, were arrested on allegations of being found in conscious possession of commercial quantity of contraband, allegedly comprising Codeine Phosphate contained in ninety-nine bottles of cough syrup.
3. They were produced before the Learned Chief Judicial Magistrate, Raiganj, on 25.05.2026 by the Investigating Officer of the case, namely **PSI Sounik Das of Hemtabad Police Station**, with a prayer for seven days' police custody. The Learned Chief Judicial Magistrate, was pleased to allow five days' police custody and directed production of all the accused persons before the said Court on 30.05.2026.
4. The prayer for police custody, being forwarded by the Inspector-in-charge of Hemtabad Police Station, had been duly forwarded and recommended by the Deputy Superintendent of Police (HQ), Raiganj Police District.
5. On 30.05.2026, accused A2 and A3 were produced upon expiry of the period of police custody. However, accused A1 was reported to have escaped from lawful custody near Mohanbati More, Raiganj Court area, while allegedly being transported from the Police Station to the Court.
6. What causes profound judicial disquiet is that, despite being informed of the alleged escape of accused A1 from police custody, the Learned Chief Judicial Magistrate appears not to have passed any specific order directing the competent superior authority to immediately identify and fix responsibility upon the members of the escort party entrusted with the production of the accused before Court.
7. An even more disturbing feature emerges upon a scrutiny of the accused challan dated 30.05.2026. The said document reveals that C/382 Tanmoy Das and three Civic Volunteers constituted the escort party deputed for production of only accused A2 and A3. Significantly, the name of accused A1 finds no mention therein.
8. If accused A1 had not, in fact, been entrusted to the escort party, as the accused challan unequivocally suggests, the inevitable question arises as to how he could have allegedly used force upon the escort personnel and escaped during transit near the Raiganj Court premises. The contradiction is glaring, fundamental and incapable of being brushed aside as a mere inadvertence.
9. Regrettably, the Learned Chief Judicial Magistrate appears to have overlooked this crucial aspect altogether and, in doing so, virtually afforded an unmerited premium to a narrative which, though pleasing to narrate, becomes exceedingly difficult to digest upon the touchstone of logic, probability and official records.
10. The matter assumes graver dimensions inasmuch as the records do not disclose a single medical document evidencing the medical examination of accused A1 at any point after 25.05.2026, namely, the date on which police custody was granted.
11. Nevertheless, the records reveal that on 31.05.2026 the Investigating Officer informed the Learned Magistrate that accused A1 had somehow been traced out and apprehended and that a separate case had been registered against him for escaping from lawful custody, being Raiganj Police Station Case No. 535 of 2026 dated 30.05.2026. The accused was thereafter produced before the Learned Magistrate in connection with the said case on 31.05.2026.
12. The situation descends from perplexity to concern when it is noticed that, despite accepting such information and taking accused A1 into custody in connection with Raiganj Police Station Case No. 535 of 2026, the Learned Magistrate did not deem it necessary to direct his production before this Court today in connection with the present case.
13. The approach reflected in the proceedings dated 30.05.2026 and 31.05.2026 is, to say the least, deeply unsatisfactory. It betrays an alarming lack of judicial vigilance and fails to derive support from any known principle governing custody jurisprudence.
14. Equally unsettling is the conduct of the Investigating Officer, who appears to have remained a mute spectator and made no meaningful endeavour to secure the production of accused A1 before this Court. More disturbing still, the Investigating Officer has abstained from appearing today and has furnished no information whatsoever regarding the present custodial status or whereabouts of accused A1, whether in judicial custody, police custody, on bail, or otherwise in connection with Raiganj P.S. Case No. 535 of 2026 dated 30.05.2026.

15. Such indifference cannot be viewed with equanimity. It has not only obstructed the orderly course of justice but has also shaken the confidence reposed in the Investigating Officer when the extraordinary privilege of police custody was granted.
16. In such circumstances, and in the absence of any dependable information regarding his present whereabouts, issuance of a production warrant would be an exercise steeped in futility and judicial jejunity.
- 17. Accordingly, the Investigating Officer is directed to appear personally before this Court on the next date, along with a comprehensive written explanation detailing each of the circumstances noticed hereinabove and specifically disclosing the present whereabouts, custodial status and legal position of accused A1.**
18. It scarcely requires reiteration that an order granting police custody is not a routine procedural indulgence extended in a casual or mechanical manner. Such an order is passed only in exceptional circumstances and upon a solemn judicial trust that the investigating agency shall faithfully preserve both the liberty and security of the person entrusted to its custody while simultaneously advancing the cause of investigation.
19. The Deputy Superintendent of Police (HQ), Raiganj Police District, whose recommendation weighed in favour of the grant of police custody, and the Inspector-in-Charge, Hemtabad Police Station, cannot therefore be permitted to seek refuge behind official silence or administrative indifference when a person committed to police custody has allegedly escaped under circumstances shrouded in contradiction and uncertainty.
- 20. Consequently, the Deputy Superintendent of Police (HQ), Raiganj Police District, and the Inspector-in-Charge, Hemtabad Police Station, are directed to appear personally before this Court on the next date and to file separate written explanations showing cause as to why appropriate recommendations should not be made against them before the competent authorities for gross dereliction of duty and failure to ensure the safety, security and lawful production of a police-custody accused.**
21. Before parting, this Court records its deep anguish that police custody, being an exceptional curtailment of personal liberty, demands the utmost judicial vigilance and administrative accountability. The disturbing omissions noticed herein not only undermine the sanctity of the process but also erode public confidence in the administration of criminal justice, warranting immediate introspection by all concerned.
- 22. Let a copy of this order be forwarded to the Learned Chief Judicial Magistrate, Raiganj, Uttar Dinajpur, for information and with an earnest expectation that greater circumspection and closer scrutiny shall be exercised in future while granting police custody and while dealing with accused persons returned from such custody.**
23. Copies of this order shall also be transmitted forthwith to the Deputy Superintendent of Police (HQ), Raiganj Police District, the Inspector-in-Charge, Hemtabad Police Station, and the Investigating Officer of the present case for information and strict compliance.
24. One application for bail is also filed on behalf of accused A2.
25. Learned PP-in-charge is present.
26. Neither the IO nor the CD is produced.
- 27. Fixing 03.06.2026 for appearance of the Deputy Superintendent of Police (HQ), Raiganj Police District, Inspector-in-charge, Hemtabad Police Station and IO of this case with their separate written explanations and hearing of the bail application.**
- 28. CD be produced on 03.06.2026, without fail.**
29. Fixing **15.06.2026** for production of accused A2 & A3.

Dictated and corrected

Judge Spl. Court (NDPS Act)
Raiganj, Uttar Dinajpur

Judge Spl. Court (NDPS Act)
Raiganj, Uttar Dinajpur.