

Spl.NDPS Case No.37 of 2021
JO CODE No.WB00766
CNR No.WBUD01-001564-2021

Order No.06
21.08.2021

Today is fixed for production and IO's report.
Accused Raju Sarkar is produced from J/C through V.C.
One application for bail is filed on behalf of accused **Raju Sarkar**.
Copy of bail petition served upon Ld. Spl. PP.

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 been falsely implicated in this case. According to him, the alleged search, seizure and arrest are made in violation of the mandatory provision of NDPS Act and Cr.P.C. The specific contention is that nothing was seized from the possession of accused person. He also submits that 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. Accordingly 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.

On perusal of the materials on record, I find that commercial quantity of cough syrup containing codein phosphate was seized from the possession of accused person. Thus, quantity of seized narcotic substance is commercial one. As such, there is no scope for any presumption that accused person is not guilty for committing the offence. Accordingly, the prayer for bail of this accused stands rejected.

To **04.09.2021** for production and IO's report.

Dictated by me,

Special Judge,(NDPS)
Raiganj, Uttar Dinajpur

Special Judge,(NDPS)
Raiganj, Uttar Dinajpur