

**Spl.NDPS Case No.53 of 2022**  
**JO CODE No.WB00766**  
**CNR No.WBUD01-001835-2022**

**Order No.03**  
**07.07.2022**

Today is fixed for production of accused IO's report.  
Accused persons namely, Amit Mitra @ Raja and Kanhaiya are physically produced from J/C.  
Bail application is filed for accused persons namely, Amit Mitra @ Raja and Kanhaiya.  
Copy of bail petitions are served upon Ld. PP in charge.  
Ld. PP in charge is present.

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. Advocates for the accused persons submit that accused are innocent and they have falsely implicated in this case. According to them, no narcotic substance was ever seized from the possession of the accused persons. They also submit that accused are permanent resident within the jurisdiction of this court and there is no chance of their abscondence, if they are released on bail. Accordingly, he prays for releasing the accused persons on bail on any condition or conditions.

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

Seizure list, FIR and forwarding report prima facie shows seizure of 2000 bottles of Phensedyl cough syrup containing codeine phosphate from the physical possession of accused persons. As such, there is no scope to presume that accused persons are not guilty for committing the offence. Accordingly the prayer for bail of accused persons are hereby rejected.

Call for CD.

To **19.07.2022** for production, IO's report and also for CD.

Spl.Judge(NDPS)  
Raiganj,U/Dinajpur

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