

NDPS Case No.19 of 2023
JO CODE No.WB00575
CNR No.WBUD01-001987-2023

Order No.04

24.07.2023

Accused Bholu Sarkar @ Prasenjit Sarkar is physically produced from J/C and remanded to J/C.

Bail application on his behalf is filed and the same is moved by his Ld. Advocate.

Ld. PP in charge raises objection.

Today is fixed for personal appearance of IO for explanation about the seizure of bus in question.

From the record, it appears that complainant and his raid team while on performing naka duty at Sonapur Oil India More naka point he received one information that two persons were carrying huge quantity of contraband articles in a bus from Siliguri side.

Accordingly, after observing all legal formalities they detained that bus in question bearing no.WB-73G/1113 and on checking they detained one passenger of that bus who was carrying a bag as a suspected person and on being asked that person admitted that he was carrying contraband articles. Accordingly, complainant arrested that person, seized the contraband articles as recovered from him, seized the bus in question as a public career and also seized one weighing machine under seizure list.

When IO was asked on dock about the circumstances under which the complainant was compelled to seize the public career i.e. bus in question as to whether the owner of the bus driver of the bus or conductor of the bus were or was having knowledge about the carrying of Ganja by the accused persons as a passenger in their bus IO replied negative. IN CD there is no such materials with regard to the involvement of owner, driver or conductor of that seized bus. Even complainant in his complainant has made that he arranged two independent witnesses namely as co-passenger of that bus public a witness but surprisingly in a seizure list there is no witness namely Rehan Khan and Amir Khan. Instead of them there are three witnesses in a seizure list in respect of seized Ganja that one Sashi Bhuan, another Sudhir Saha and another Sahajahan.

On being asked IO about the existence of Amir Khan, Rehan Khan as witness IO on dock replies that complainant has told him that it was a mistake on his part for inserting the name Amir Khan and Rehan Khan. It further reveals that in total 7 kgs 311 gms Ganja has been recovered along with one black key pad picture mobile from the possession of the accused person directly, I am not inclined to allow the bail prayer at this stage. So, bail prayer stands rejected.

IO is discharged after making him alert that as soon as the prayer for returning the seized public bus be filed by registered owner that public returned at the earliest.

To **07.08.2023** for further production and IO's report.

Judge Special Court (NDPS)
Raiganj, Uttar Dinajpur

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