

NDPS Case No. 33 of 2025
CNR No. WBUD01-002223-2025
Under Section 21(c)/25/29 NDPS Act
State Versus Abdul Malek (A1) & Joharul Alam(A2)

Order No. 07
11.12.2025

1. Today is fixed for production and IO's report.
2. Both the accused persons A1 & A2 are produced virtually and are being represented by their respective Learned Lawyers.
3. Separate applications for bail are filed on behalf of accused A1 & A2.
4. Copies served.
5. Learned Public Prosecutor is also present.
6. The prayer for bail are taken up for hearing.
7. Both sides have been heard at length with due circumspection.

SUBMISSIONES ADVERSARIAE

8. The Learned Counsel for the accused/petitioners have choired with earnest persuasion, raised the following points in support of the prayer for bail—
 - a) *Their clients are in custody since June, 27, 2025 (A1) and November, 6, 2025 (A2).*
 - b) *Accused A2 is the only bred wining member of his family.*
 - c) *Their clients have been pledged into this case with baseless allegations.*
9. Per contra, Learned PP-in-charge has raised a sibilant opposition and raised the following points –
 - i. *More than commercial quantity of contraband, being 303 grams of heroin, is lying seized in this case.*
 - ii. *There is flight risk, if the accused/petitioner gets bail there would be every possibility of his decampment.*
 - iii. *There is a statutory restriction under Section 37 NDPS Act*

DISCEPTATIO ET DECISIO

10. This Court considers the following points as of decisive importance –

- A. *The record unmistakably reveals that an earlier application for bail at the behest of the accused/petitioners stood rejected on 27.11.2025, upon a reasoned consideration of the materials then available.*
- B. *It is, no doubt, well entrenched in our bail jurisprudence that successive applications are not per se impermissible; yet, such renewed entreaties must be predicated upon fresh, substantial, and compelling grounds, without which the sanctity of judicial discipline would stand imperilled.*
- C. *In the present instance, save and except the mere passage of time within the confines of immurement, no new ground—much less a cogent one—has been placed before this Court warranting a departure from the earlier view.*
- D. *The materials on record exhale a disturbing scent of a concerted syndicate engaged in the illicit trafficking of heroin—a malignant commerce which gnaws at the moral fibre of society and corrodes public health with insidious relentlessness. Prima facie involvement of the accused/petitioners in such nefarious enterprise stands reflected in the investigative material.*

E. No material worth judicial confidence has been produced that may lift the boom-barrier of statutory embargo embodied in Section 37 of the NDPS Act, a provision designed as a bulwark against the metastasizing menace of narcotics proliferating through organised channels and report of the expert (No. NDPS/7263/ 2025/7755/FSL dated 18.09.2025) underpinned the prosecution story.

11. For the reasons as above, the prayer for bail is found sans merit, deserves rejection which this Court directs.

12. To **24-12-2025** for production and IO's report.

D/C by me

Judge Special Court(NDPS),
Raiganj, Uttar Dinajpur.

Judge Special Court(NDPS),
Raiganj, Uttar Dinajpur.