

**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) & Mukhtar Alam (A3)*

**Order No. 10**  
**24.12.2025**

1. Today is fixed for production and IO's report.
2. Record speaks that report in final form (Charge-sheet) has already been submitted by the IO, bearing Goalpokher PS Charge-sheet no. 671 dated 22.12.2025 against accused A1, A2 & A3 for commission of an offence under Section 21(c)/25/29 NDPS Act.
3. Both the accused persons A1 & A2 are produced virtually and are being represented by their respective Learned Lawyers.
4. Accused A3 is still absconding.
5. Application for bail is filed on behalf of accused A2.
6. Copies served.
7. Learned Public Prosecutor is also present.
8. The prayer for bail is taken up for hearing.
9. Both sides have been heard at length with due circumspection.

**SUBMISSIONES ADVERSARIAE**

10. The Learned Counsel for the accused/petitioner has with earnest persuasion, raised the following points in support of the prayer for bail—
  - a) *The accused-petitioner has remained in custody since the 6<sup>th</sup> day of November, 2025.*
  - b) *He stands as the sole scion and the only breadwinner of his family, upon whose shoulders the sustenance and honour of his household rest.*
  - c) *He has been enmeshed in the present proceedings upon allegations that are wholly devoid of foundation, resting on nothing more than conjecture and surmise.*
11. Per contra, Learned PP-in-charge has raised a strident opposition and raised the following points –
  - i. A quantity of contraband surpassing the threshold of commercial magnitude, namely 642.73 grams of heroin, stands seized in the present case.
  - ii. A palpable risk of flight looms over the accused-petitioner; should bail be granted, there exists every likelihood of his abscondment.
  - iii. The matter is further circumscribed by the statutory embargo enshrined under Section 37 of the NDPS Act.

**DISCEPTATIO ET DECISIO**

12. This Court considers the following points as of decisive importance –
  - A. *The record manifestly demonstrates that an antecedent petition for bail, proffered on behalf of the present accused-petitioner (A2) and A1, was reiected on 27.11.2025 and 11.12.2025, following a reasoned examination of the materials then extant.*
  - B. *It is, nihilominus, firmly ensconced in our bail jurisprudence that successive applications are not per se impermissible; yet, such reiterated entreaties must be anchored upon fresh, substantial, and compelling grounds, failing which the sanctity of judicial discipline would stand imperilled.*
  - C. *In the present instance, save and except the mere lapse of time within the precincts of immurement, no novel ground—much less a cogent causa—has been advanced before this Court to warrant a departure from the prior adjudication.*
  - D. *Longa detentio per se can never constitute a ground for bail, particularly in a case of the present character.*
  - E. *The recovery of contraband during the period of preventive custody (PC) of the accused-petitioner (A2) was demonstrably in excess of the threshold of commercial quantity.*

- F. *The materials on record exhale a pernicious odour of a concerted syndicatus 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 is evinced by the investigative material.*
- G. *No material worthy of judicial credence has been adduced capable of lifting the formidable praesidium of statutory restriction enshrined in Section 37 of the NDPS Act, a provision crafted as a bulwark against the metastasizing scourge of narcotics proliferating through organised channels; the expert report (No. NDPS/7263 /2025/7755/FSL dated 18.09.2025) serves only to underpin the prosecution narrative.*

13. For the reasons afore-stated, the prayer for bail is found utterly sans merit, and stands deserving of unequivocal rejection, which this Court accordingly hereby directs.

14. To **07.01.2026** for production and IO's report.

Dictated and corrected by me

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

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