

Spl. NDPS Case No.59 of 2025
JO CODE No.WB00993
CNR No.WBUD01-003342-2025

Order No. 16
13.03.2026

Record is put up by a put up petition along with another petition praying for bail to the accused persons in custody.

Regular P.O is on Spl. SIR duty.

Record is placed and after perusal of the record, it is found that the record is lying fixed for production and consideration of charge on 02.05.2026.

The bail petition filed today on behalf of all the three accused persons namely, Halim Sekh, Emajuddin Sekh and Sushanta Rabidas is moved.

Copy served.

Ld. PP-in-charge is present and filed a petition u/s 37 of NDPS Act praying for rejection of bail.

Ld. Advocate on behalf of the accused persons is present by filing hazira.

Heard both sides.

Perused the materials on case record.

Ld. Advocate submitted that these accused persons are in custody since **09.10.2025**. They were also taken in PC. The allegations brought against the accused persons is fabricated. The accused persons are not involved in the offence. Ld. Advocate further submitted that though charge sheet has been submitted and case record is lying fixed for consideration charge, bail prayer is being sought for their long detention in custody. Ld. Advocate accordingly, prayed for allowing bail to the accused persons on any condition.

Ld. PP submitted that the seizure shows recovery of commercial quantity of suspected brown sugar which is of huge quantity. Besides, on earlier occasion ie dated 26.02.2026 and 09.03.2026, bail prayer of these three accused persons was also rejected and record is pending for charge. The procedure of search and seizure has been properly performed. Ld. PP accordingly, prayed for rejection of bail petition.

On careful perusal of the case record it appears that the case involves recovery of 296 grams of brown sugar (Heroin). Record is lying fixed for consideration of charge. The statutory bar u/s 37 of NDPS Act applies in this case and this Court does not have authority to bypass such statutory obligation. However, I also consider the fact that there is no prima facie material to come to any finding that the accused has not committed the offence that is alleged and considering the fact that the seizure shows commercial quantity, I am not inclined to allow the prayer for bail.

I do not find any special circumstances at this stage to consider the prayer for bail in respect of the accused persons.

Accordingly, the bail prayer filed by the accused persons stands rejected.

To-date (**02.05.2026**) for physical production and consideration of charge.

D/C by me

Special Judge,(NDPS), I/C
Raiganj, Uttar Dinajpur

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Raiganj, Uttar Dinajpur.