

**NDPS Case No. 59 of 2025**  
**CNR No. WBUD01-003342-2025**  
**Under Section 21(c)/29 of NDPS Act**  
**State**  
**Versus Farid Alam**

**Order No. 07**  
**06.01.2026**

- 1) Today is fixed for production and I.O's report.
- 2) All the three accused persons namely, Halim Sekh, Emajuddin Sekh and Sushanta Rabidas are produced in virtual mode and being represented by their Ld. Lawyers who filed fresh Vokatnama duly executed by the accused persons.
- 3) Let it be kept with the record.
- 4) Ld. P.P in charge is present along with CD.
- 5) One bail application is filed on behalf of the accused persons.
- 6) Copy served.
- 7) The matter is taken up for hearing.
- 8) Both both sides, perused record as well as CD.

**RIVAL SUBMISSIONS**

- 9) Learned Lawyer appearing for the accused/petitioners submits the following matters in support of bail –
  - a) Quantity of contraband, allegedly recovered from individual possession, does not cross the commercial limit.
  - b) Wife of the accused Halim Sekh is a pregnant lady and none is there to look after her.
  - c) All the three accused persons have their permanent place of residence negating the chance of *flight risk*
- 10) Learned P.P in charge has made strident opposition and raised the following points–
  - I. More than commercial quantity of brown sugar recovered from the joint possession of the accused persons.
  - II. Releasing the accused persons on bail would trammel the process of investigation.
  - III. There is statutory restriction under Section 37 NDPS Act.

**DISCUSSION AND DECISION**

- 11) The following points, as this Court thinks fit to be pondered over in deciding the merit of prayer of bail.
  - A) Humanitarian ground is not so much prevalent in bail jurisprudence, particularly in a case of present description where the accused are put in custody with an allegation of carrying narcotic substances.
  - B) Record says more than commercial quantity of Brown Sugar is allegedly recovered from the joint and conscious possession of the three accused persons.
  - C) The point of separation of possession, and raised by Ld. Defence Lawyer, can very well be thrashed during trial.
  - D) Nothing is placed on record which can lift the stymie of Section 37 of NDPS Act.
- 12) For the above reasons, prayer for bail calls for no action from the end of this Court and accordingly it is rejected.
- 13) CD be returned.
- 14) Fixing **20.01.2026** for production and I.O's report in final form.

D/C by

Judge, Special Court,( NDPS Act),  
1<sup>st</sup> Court, Raiganj, Uttar Dinajpur.

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