

SPL .NDPS Case No.36 of 2023
CNR NO WBUD01003687-2023
J.O CODE WB01460

Order No.22
13.01.2025

Today is fixed for production and ER of WA.

Accused Yasband Kumar @ Roki Kumar is produced from J.C and remanded to JC.

No ER of WA is received.

One bail petition is filed on behalf of the accused. Copy served.

Ld. Counsels of both sides are present.

Bail petition is moved.

Ld. Advocate for the accused person submits that the accused person has been falsely implicated of this case and the accused person was brought under arrest before the Court on 09.11.2023 and since then he is in custody till date. It is also submitted that CS has been submitted without CFSL report and till date no CFSL report has been submitted. It is further submitted that till date it is total 429 days since his arrest and thus it is beyond the statutory period, i.e., 180 days for the case involving recovery of alleged narcotic drugs of commercial quantity. Accordingly, he prays for statutory bail on any conditions.

Ld. Spl. P.P. fairly submits that CS has been submitted in the meantime but no CFSL report is submitted till date.

Perused the case record.

On perusal of the case record it appears that accused was produced before this Court on 09.11.2023 and since then he is in custody. It also appears that CS has been submitted on 07.05.2024 and till date no chemical examination report is received in connection with the case and there is no prayer and/or order in terms of provision under Section 36A(4) of NDPS Act. It further appears that in the meantime total more than 400 days have been elapsed which is beyond the statutory period being 180 days in the instant case as the case involves recovery of 181.760 Kgs suspected to be ganja which is of commercial quantity. In the circumstances, I may not prejudice the indefeasible right accrued to the accused person.

On perusal of the case record and after hearing both sides in view of the aforesaid circumstances, I am of the opinion that the prayer for statutory bail may be considered and allowed.

In the circumstances, bail prayer of the accused person is considered and allowed.

Thus, the accused person namely, **Yasband Kumar @ Roki Kumar** may find **interim bail** of Rs. 30,000/- with two sureties of Rs. 15,000/- each, one of whom must be local to the satisfaction of Learned C.J.M., Raiganj, Uttar Dinajpur, on condition that on being released on bail the accused person shall appear on each and every fixed date before this Court and shall not leave the jurisdiction of this Court without order of the Court and shall attend the Court on each fixed date till disposal of this case and the accused person shall not tamper evidence or intimidate the witnesses in any manner whatsoever, i/d to J.C till **06.03.2025**.

To-date (06.03.2025) for production/appearance of the accused person, if on bail and ER of WA and report.

Let a copy of this order be forwarded to the Learned C.J.M., Raiganj, Uttar Dinajpur for information and necessary action.

Judge, Spl. Court
Raiganj, UttarDinajpur

Judge, Spl. Court
Raiganj, Uttar Dinajpur