

**Present: C.B. Gogoi, Special Judge,
Sonitpur, Tezpur.**

Spl. (NDPS) PS Case No. 17/2021

ORDER

23-11-2021

C.R. is put up today.

Investigating Officer S.I. Deepjyoti Bharali submitted additional charge-sheet against accused Md. Babul Islam u/s 21(a)/29 of NDPS Act who was absconding at the time of submitting earlier charge-sheet.

On perusal of the case record, it transpires that police allegedly seized one container containing 1.28 gram of suspected brown sugar and two Nos. of syringe from the possession of accused Md. Nurjul Islam, Mr. Deepjyoti Baruah, Mr. Suramoni Sensuwa and UTP Babul Islam. But, the quantity of drugs allegedly seized by police was small in quantity.

As per Section 36 (A)(i)(a) of NDPS Act all offences under this act which are punishable with imprisonment for a term of more than 3 (three) years shall be tried only by the Special Court constituted for the area. But, in the present case, the alleged quantity of drugs seized by police fall within the parameters of Section 21(a)/27/29 NDPS Act. For offence committed u/s 27 NDPS Act the punishment prescribed is rigorous imprisonment for a term which may extend to one year or fine which may extend to Rs. 20,000/- or with both.

Also, offence u/s 21(a) of NDPS Act is punishable with rigorous imprisonment for a term which may extend to 1 (one) year or with fine which may extend to Rs. 10,000/- or with both, the offences therefore, appears to be triable by Magistrate only.

In view of the above, the case record is forwarded to the court of Chief Judicial Magistrate, Sonitpur, Tezpur for trial/ disposal.

The accused Md. Nurjul Islam, Mr. Deepjyoti Baruah, Mr. Suramoni Sensuwa persons are accordingly directed to appear before the court of Chief Judicial Magistrate, Sonitpur, Tezpur on **16-12-2021** and the jail authority is directed to produce Md. Babul Islam to the court of Chief Judicial Magistrate, Sonitpur, Tezpur on **16-12-2021** for trial.

Special Judge,
Sonitpur, Tezpur.