

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

Spl. (NDPS) PS Case No. 35/2021

ORDER

23-11-2021

C.R. is put up today.

Investigating Officer S.I. Biswajyoti Debnath on completion of investigation, having found prima facie case submitted charge-sheet against the accused Md. Aras Ali u/s 21(a) NDPS Act.

On perusal of the case record, it transpires that police allegedly seized two packet of suspected brown sugar weighting 3.32 gram from the possession of accused Md. Aras Ali and he was arrested by police on 20-06-2021. 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) NDPS Act.

Since, 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 offence 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 is accordingly directed to appear before the court of Chief Judicial Magistrate, Sonitpur, Tezpur on **07-12-2021** for trial.

Special Judge,
Sonitpur, Tezpur.