

NDPS Case No. 76 of 2022

O R D E R.

13-12-2022.

CR is put up today.

The I.O. of Jamuguri PS has submitted charge sheet against accused Tulshi Nayak and Smti Usha Nayak u/s 20(b) NDPS Act and the same is registered as Spl. NDPS Case.

I have taken cognizance of the offence u/s 20(b) NDPS Act.

Accused Tulsi Nayak is on bail which was granted on 31-10-2022 and released on 02-11-2022. Accused Smti Usha Nayak is on bail which was granted on 14-09-2022 and released on 16-09-2022.

On perusal of case record it transpires that on conclusion of investigation police laid the charge sheet u/s 20(B) of NDPS Act. On further scrutiny of the case record, it transpires that police seized 1 kg of suspected ganja and forensic examination report gave positive test of ganja which falls under small quantity.

For small quantity of ganja, appropriate provision is u/s 20 (A) of NDPS Act.

As per section 36 (A) of NDPS Act, notwithstanding anything contained in the Cr.P.C. 1973 all offences under this Act which are punishable with imprisonment for a term of more than three years shall be tried only by Special Court which implies that offences which are punishable less than three years shall be tried by Magistrates.

In the present case, since the drugs seized by police fall under small quantity which carries punishment with rigorous punishment for a term which may extend to one year or with fine which may extend to Rs. 10,000/- or with both.

In view of the above backdrop, case record is forwarded to the court of learned Chief Judicial Magistrate, Tezpur, Sonitpur for trial with a direction to accused to appear before the court of learned Chief Judicial Magistrate, Tezpur, Sonitpur on the next date to stand trial.

Fix **10-01-2023** for appearance.

(C.B. Gogoi)
Special Judge,
Sonitpur, Tezpur.