

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

Spl. (NDPS) Case No. 37/2022

ORDER

13-12-2022

Accused Afajuddin Fakir is present and filed a petition No. 2683/2022 praying to allow him to remain on previous bail.

Seen the petition and heard the learned counsels appearing for both sides. On perusal of the order sheets, it is seen that accused was granted bail on 04-07-2022 and his bail bond was allowed on 05-07-2022. So, considering all, accused is allowed to remain on previous bail.

Also seen petition No. 2684/2022 seeking zimma of ₹25,590/- which was seized by police from the possession of accused at the time of incident. On perusal of the order sheets, it is seen that the zimma prayer of the cash amount is already been rejected vide order dated 26-07-2022. Moreover, the seized cash amount has already been deposited in treasury vide challan No. 2022/08/180 dated 01-08-2022 as per order dated 26-07-2022. So, the prayer for zimma of money stands rejected.

However, on perusal of the case record, it transpires that police allegedly seized 270 grams of ganja from the possession of accused.

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 quantity of drugs falls within the purview of Section 20(b)(ii)(A) NDPS Act which 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.

Moreover, on perusal of the case record, cognizance of the offence u/s 20(b)(ii)(A) of NDPS Act is taken.

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

Accused Alom Mansur is accordingly directed to appear before the court of Chief Judicial Magistrate, Sonitpur, Tezpur on **10-01-2023** to stand trial.

Special Judge,
Sonitpur, Tezpur.