

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

Spl. (NDPS) Case No. 60/2022

ORDER

17-11-2022

C.R. is put up. After completion of investigation, I.O. has submitted charge sheet against accused persons namely, Ananda Das & Bhaskor Bora u/s 21(a)/29 NDPS Act and the case has been registered as Spl. NDPS Case No. 60/2022.

However, on perusal of the case record, it transpires that police allegedly seized 15 nos. of containers containing .178 gram of heroin (without container) from the possession of accused persons. However, the quantity appears to be small quantity of drugs.

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 21(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, Section 29 NDPS Act prescribes the same punishment provided for the offence committed.

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

Both the accused persons are accordingly directed to appear before the court of Chief Judicial Magistrate, Sonitpur, Tezpur on **14-12-2022** to stand trial.

Special Judge,
Sonitpur, Tezpur.