

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

**Spl. (NDPS) Case No. 62/2022**

**ORDER**

**21-11-2022**

C.R. is put up. After completion of investigation, I.O. has submitted charge sheet against accused Md. Inamul Hoque u/s 20(a)/21(a) NDPS Act and the case has been registered as Spl. NDPS Case No. 62/2022.

On perusal of the case record, it transpires that police allegedly seized 1.41 gram of heroin & 157.17 gram of ganja from the possession of accused. 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.

Though, I.O. inserted Section 20(a) of NDPS Act in charge sheet against accused but, it is prima facie wrong as the quantity of drugs falls under Section 20(b)(ii)(A) of NDPS Act which prescribes same punishment as mentioned u/s 21(a) of NDPS Act.

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

Accused Md. Inamul Hoque accordingly directed to appear before the court of Chief Judicial Magistrate, Sonitpur, Tezpur on **20-12-2022** to stand trial.

Special Judge,  
Sonitpur, Tezpur.