

JOCODE WB00681
CIS NO. 02 OF 2023
Sessions Case No.02 of 2023

Order No. 5 dated 11-07-2023

The accused on C/B Gopal Sharma is present with his learned advocate. The accused has filed an application praying for discharging him from this case.

The learned P.P. opens up the case by describing the charge brought against the accused to the effect that the ASI Gyelzay Sherpa of Pulbazar P.S. while performing night mobile van duty on 22-02-2021 received a source information regarding transporting narcotic drugs and accordingly at Singla Rammam bridge he intercepted one Alto K10 van with registration No.SK-02-P/1319 coming from Darjeeling side towards Sikkim and after checking the vehicle 40 bottles of Ownrex cough syrups, 13 bottles of Phenerex cough syrup 5 bottles of Cefrex cough syrup were recovered and he arrested the accused who was driving the said vehicle and the said cough syrups contain codeine phosphate.

The learned advocate for the accused submits that the case was not initiated by the Drugs Inspector and the charge sheet has been submitted under Section 27(b)(ii) of the Drugs and Cosmetics Act and a police officer being incompetent to lodge FIR and investigate the case, the accused is entitled to be discharged.

It appears that the State Drugs Control and Research Laboratory detected codeine Phosphate in the samples drawn from the seized material. Codeine is a manufactured drug and comes under the purview of NDPS Act. So it cannot be said that there is no ground to proceed against the accused. Accordingly the prayer for discharge is rejected.

Let the case be registered as an NDPS case.

To **11-08-2023** for appearance of accused and consideration of the charge.

Dictated & Corrected by me :

Sessions Judge, Darjeeling

Sessions Judge, Darjeeling

Sessions Case No.12 of 2022

Order No. 03 dated 22-06-2022 :

The accused Sailendra Rai has not been produced from Correctional Home.

One letter is received from Superintendent Darjeeling District Correctional Home explaining the reason for non production of the accused abovenamed.

The latter dated 27-06-2022 may be kept with the record.

No advocate appears to represent accused Sailendra Rai. As such I specifically direct the Secretary DLSA to take immediate steps for engagement a lawyer in order to defend the interest of the accused Sailendra Rai.

I also direct Superintendent Darjeeling District Correctional Home to produce accused Sailendra Rai on 27-06-2022 positively and without fail.

The accused is remanded to J/C till 27-06-2022.

Fix 27-06-2022 for production of the accused as well as appearance of the lawyer.

Let a copy of this order be sent to both the Secretary DLSA, Darjeeling and Superintendent Darjeeling District Correctional Home for information and necessary

action.

Dictd & Corrted by me :

Sessions Judge, Darjeeling

Sessions Judge, Darjeeling