

**Special Case no. 04 of 2025**

**Reg. 04 of 2025**

**Present: Sri Madan Mohan Mishra**

**JO CODE WB00727**

**Order no. 5 dated 26.08.2025**

Accused Pukar Thapa is produced from JC.

The bail application filed by accused on 21.08.2025 is taken up for hearing.

Learned Prosecutor Sri Kripan Karki is present.

Heard learned advocate representing accused as well as learned Prosecutor.

Perused the materials on the case record.

Ld. Advocate for the accused person submitted that 136 capsules containing Dicyclomine Hydrochloride 10 mg IP, Tramadol Hydrochloride 50 mg IP and Acetaminophen narcotic drugs were allegedly seized from the possession of the accused which comes under the purview of being an intermediary quantity as the small quantity is upto 5 grams and the commercial quantity is about 250 grams as per the schedule of NDPS Act. Accused is in custody since 25.01.2025 for more than seven months. Considering the nature of allegation and detention of accused in the custody, he may be enlarged on bail.

Ld. Prosecutor conceded that the quantity of the seized contraband drug is of intermediary quantity and the punishment prescribed for the offence may extend upto 10 years of imprisonment.

Having considered the submissions raised, taking note of the nature of the allegation and the detention of the accused in custody since 25.01.2025 and the progress of the trial of the case wherein no prosecution witness could be examined till this day, I find no reason to detain the accused in custody.

Accused may find bail of Rs. 2000/- with one registered surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Darjeeling on condition that he shall attend the Court on the dates of trial.

Let a copy of this order be sent to the Ld. Chief Judicial Magistrate, Darjeeling for information.

Let the case be fixed for examination of de-facto complainant CSW-1 on 28.11.2025 as prayed by learned prosecutor.

Accused is remanded to JC till 09.09.2025.

To 28.11.2025 for examination of CSW-1.

Dictated & corrected by me

Sd/-  
Special Judge,  
(under the NDPS Act)  
Darjeeling

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Special Judge  
(under the NDPS Act)  
Darjeeling