

Sessions Case no. 22 of 2025
Reg. No. 22 of 2025
Present: Sri Madan Mohan Mishra
JO CODE WB00727

Order no. 6 dated 15.11.2025

Accused on bail Rohan Gurung is absent by filing application.

Learned Public prosecutor Sri Raju Chhetri is present.

Materials on record suggest that accused Rohun Gurung was apprehended by police officer being found in possession of 8 bottles of cough syrup of 100 ml. on 20.05.2017 and the case under section 27(b)(ii) of Drugs and Cosmetics Act was started against the accused and on collection of the chemical examination report of the seized materials ascertaining its contents as Codeine phosphate charge-sheet for offence punishable u/s 27(b)(ii) of Drugs and Cosmetics Act, 1940 has been submitted against the accused on 05.02.2020 by the police officer and the cognizance for the offence punishable u/s 27(b)(ii) of Drugs and Cosmetics Act, 1940 has been taken by learned CJM, Darjeeling. Learned CJM, Darjeeling on finding that offence for which charge-sheet has been submitted and cognizance has been taken is exclusively triable by the Court of Sessions committed the case u/s 209 CrPC to the Court of learned Sessions Judge, Darjeeling on 24.06.2025. The chemical examination report of the seized materials suggests that it contains codeine phosphate, a manufactured drug, coming under the purview of NDPS Act.

Taking note of the seizure of 8 bottles of cough syrup of 100 ml. on 20.05.2017 from the alleged possession of accused and the chemical examination report disclosing that the seized materials contain Codeine Phosphate, a prima facie offence u/s 21(b)/22(b) of NDPS Act is made out against the accused. Hence, the cognizance for the offence punishable u/s 21(b)/22(b) of NDPS Act is taken by this Court being a Special Court under NDPS Act.

Let the case be registered as NDPS case and be fixed for consideration of charge on 17.12.2025.

To 17.12.2025 for consideration of charge.

Dictated and corrected by me

Sd/-

Additional Sessions Judge,
3rd Court, Darjeeling

Sd/-

Additional Sessions Judge,
3rd Court, Darjeeling