

Trial No.20 of 2023
CIS NO. 24 OF 2021
Special (NDPS) Case No.18 of 2021

Order No.1 dated 20-09-2023

Both the accused on C/B namely 1) Milan Thapa and 2) Samuel Subba are present by filing hazira. The Learned Public Prosecutor opens up the case by describing the charge brought against the accused to the effect that on 13-06-2021 at 17.35 hours ASI Ashok Biswakarma, PS: Jorebunglow, Darjeeling received a source information that the accused persons gathered at Peshoke Road near newly constructed hospital to sell contraband drugs and he set out with the force and on the way collected two independent witnesses and as indicated by the source the police detained the accused persons and after serving statutory notice searched them in presence of the gazetted officer which resulted in recovery of ganja weighing 1 kg 330 grams and 1 kg 300 grams respectively from them.

The Learned Public Prosecutor proposes to prove the guilt of the accused with the evidence of the complainant, other members of the raiding party, independent witnesses and documentary evidence like seizure list, sketch map with index of the place of occurrence and scientific evidence etc. On hearing the Ld. Public Prosecutor and the Ld. defence advocate and on perusal of the materials on the record and the documents filed under 173 (5) of the Cr.P.C. I am of the opinion that there is sufficient ground for presuming that the accused 1) Milan Thapa and 2) Samuel Subba have committed an offence punishable under Section 20(b)(ii)(B) of the NDPS Act and accordingly charge for the offence under Section 20(b)(ii)(B) of the NDPS Act is framed against the accused persons and the contents thereof are read over and explained to each of them to which each of them pleads not guilty by saying "Kasoor Chaina" and claims to be tried. Formal charge is kept with the record in a separate sheet.

Fix **11-12-2023** for evidence of CSW No.1

Fix **12-12-2023** for evidence of CSW No.2 & 3

Fix **13-12-2023** for evidence of CSW No.4 & 5

Issue summons to the witnesses as per requisition of the Learned Public Prosecutor.

To date (**11-12-2023**) also for appearance of the accused persons.

Dictated & corrected by me

Sd/-
Judge Special Court (NDPS Act),
Darjeeling

Sd/-
Judge Special Court (NDPS Act),
Darjeeling
JO CODE WB00681

