

Special Case no. 07 of 2025
Reg. No. 07 of 2025
Present: Sri Madan Mohan Mishra
JO CODE WB00727

Order no. 07 dated 04.09.2025

Accused Pema Tshering Lepcha @ Manish Lepcha has not been produced from JC.

Accused persons on bail Pempa Bhutia and Dipu Thapa are present.

Seen the intimation received from the Office of Superintendent, Darjeeling District Correctional Home disclosing that accused Pema Tshering Lepcha @ Manish Lepcha could not be produced before this Court this day for want of police escort and vehicle and could be produced through google meet link.

Accused Pema Tshering Lepcha @ Manish Lepcha is produced via video means on google meet link from Darjeeling District Correctional Home.

Learned prosecutor Sri Nitin Kumar Thakur is present.

The bail application filed by accused Pema Tshering Lepcha @ Manish Lepcha dated 12.08.2025 and filed this day is taken up for hearing.

Heard learned advocate representing accused as well as learned Prosecutor.

Perused the materials on the case record and in the case diary.

Ld. Advocate for the accused person submitted that 78 pieces of Pyxwins tablets containing contraband drug Tarmadol has been allegedly seized from the possession of accused which comes under the purview of being a small quantity as it is below 5 grams and the small quantity is 5 grams as per the schedule of NDPS Act. Accused is in custody since 29.04.2025 for more than four 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 a small quantity.

Having considered the submissions raised, taking note of the nature of the allegation of alleged seizure of 78 pieces of Pyxwins tablets containing contraband drug Tarmadol and the detention of the accused in custody since 29.04.2025, I find no reason to detain the accused in custody.

Accused may find bail of Rs. 500/- with one registered surety of like amount to the satisfaction of learned Chief Judicial Magistrate, Darjeeling.

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

One application has been filed by accused Pempa Bhutia and Dipu Thapa u/s

250 BNSS praying for discharging them from the case. Copy served upon the prosecution.

As accused Pempa Tshering Lepcha @ Manish Lepcha has not been physically produced this day the consideration of charge is adjourned for the day.

Let the case be fixed for consideration of charge along with the application filed u/s 250 of BNSS filed by accused Pempa Bhutia and Dipu Thapa this day.

Accused Pema Tshering Lepcha @ Manish Lepcha is remanded to JC till 12.09.2025.

To 12.09.2025 for consideration of charge along with the application filed u/s 250 of BNSS.

Accused persons on bail as before.

Dictated & corrected by me

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

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Special Judge
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Darjeeling