

Special NDPS Case No. 25/2022

Order No. 11

Dated 27.03.2023

Accused Jigme Wangchuk Bhutia, Rajesh Gurung and Bikash Biswakarma @ Rajdeep Lohar are produced from Jail custody.

Accused Bikash Biswakarma @ Rajdeep Lohar files a bail application praying for releasing him on bail. Accused Jigme Wangchuk Bhutia files an application praying for getting proper medical treatment as he has been suffering from piles.

Heard the bail application filed for the accused Bikash Biswakarma @ Rajdeep Lohar praying for releasing him on bail in presence of Ld. advocate for the accused person and the Ld. Special P.P. for NDPS.

Seen both the bail application filed by the accused Bikash Biswakarma, perused the case record and considered.

Ld. advocate for the accused submits that the accused has been suffering from detention in Jail custody since 21.12.2022 as such considering the period of detention of the accused Bikash Biswakarma he may be released on bail.

Ld. Special P.P. opposes the prayer for bail of the accused Bikash Biswakarma @ Rajdeep Lohar and submits before this court that a commercial quantity of contraband drugs has been recovered from the possession of this accused person and the case is at initial stage of investigation as such the prayer for bail of the accused person may kindly be rejected.

Having heard the submission of the Ld. advocate for the accused person and the Ld. Special P.P. for NDPS, perused the C.D. and other materials on case record, I find that on 17.12.2022 in connection with receipt of secret information from source and as per the direction of the I.C. Kalimpong P.S. S.I. Deepak Thapa, O/C of Melli O.P. under Kalimpong P.S. one Isuzu vehicle bearing Regd. No. SK01PD/0868 was intercepted at below Melli Bridge in presence of I.C. Kalimpong P.S. and local witness under videography held in connection with the search of the vehicle and on being searched 8 eight bottles of Chlorpheniramine Maleate and Codeine Phosphate syrup styled as "Lykarex" cough syrup each bottles containing 100 ml syrup, 42 strips of Winspasm Forte "Windlas" capsules each strips containing 24 capsules, 6 strips of Nitrazepam tablets each strip containing 50 tablets and all were wrapped up in a black colour poly bag and kept concealed inside the back seat's cover of the Isuzu vehicle bearing Regd. No. SK-01/PD/0868, one Isuzu vehicle bearing No. SK01PD/0868 black in colour in running condition with key and one original driving license in the name of Jigme Wangchuk Bhutia were seized and recovered from the possession of the accused persons. On being demanded the driver Jigme Wangchuk Bhutia failed to produce any receipt/invoice/doctor's prescription/license or any valid documents in support of the possession of such huge number of codeine cough syrups bottles, capsules and tablets.

I carefully perused the C.D. and other materials on record wherefrom I find that 10 bottles of Chlorpheniramine Maleate and Codeine Phosphate syrup styled as "Lykarex" cough syrup each bottles containing 100 ml of syrup, 27 strips of Tramadol HCL, Acetaminophen & Dicyclomine HCL capsules

styled as “Winspasmo Forte” each strip containing 24 capsules and 36 strips of Nitrazepam tablets I.P. 10 mg “Nitrazone-10 each strips containing 10 tablets and one white coloured old and used Scooty bearing Regd. No. WB-74AG/6173 were seized from the possession of this accused Bikash Biswakarma @ Rajdeep Lohar. The accused person is found to be arrested on 21.12.2022 and since then he is in Jail custody.

On going through the C.D. and other materials on case record I find that the seized contraband articles is found to be of commercial quantity from the possession of this accused Bikash Biswakarma @ Rajdeep Lohar.

Considering the nature and gravity of the offence of this case and taking into consideration the recovery of commercial quantity of contraband drugs, I am not inclined to allow the accused person to be released on bail in this case.

Accordingly, the prayer for bail of the accused person Bikash Biswakarma @ Rajdeep Lohar is considered and rejected.

The Superintendent, District Correctional Home, Kalimpong is directed to render necessary treatment to accused Jigme Wangchuk Bhutia as he is reported to have been suffering from the disease Piles.

Let a copy of this order be sent to the Superintendent, District Correctional Home, Kalimpong for his information and taking necessary action.

C.D. produced before this court today be returned to the office of the Ld. District P.P. Kalimpong at once.

Fix 10.04.2023 for production of the accused persons from J/C.

D&C by me

Sd/-

Judge, Special Court (NDPS)

Kalimpong

Sd/-

Judge, Special Court (NDPS)

Kalimpong