

CNR No. WBDJ070003642022

JO Code WB00682

Special NDPS Case No. 25/2022

Order No. 4

Dated 31.01.2023

Today is the date fixed for hearing bail application filed by the accused Jigme Wangchuk Bhutia.

Prosecution files hazira.

Ld. advocate for the accused person also files some xerox copies of documents. Let it be kept with the case record.

Heard the bail application filed by the accused Jigme Wangchuk Bhutia praying for releasing him on bail in this case in presence of Ld. advocate for the accused persons and the Ld. Special P.P. for NDPS Case.

Seen the bail application, perused the case record and considered.

It is submitted by the Ld. advocate for the accused person that no commercial quantity of the Narcotic Drugs was seized from the possession of the accused person though each strip of Winspasmo Forte tablet contains 8 tablets but the I.O. has stated that 42 strips of Winspasmo Forte capsules each strip contains 24 capsules but actually each strip of Winspasmo Forte contains 8 tablets. Thereafter, the accused person may be released on bail.

Ld. Special P.P. opposes the prayer for bail of the accused person and submits that the commercial quantity of Narcotic Drugs was seized from the possession of the accused Jigme Wangchuk Bhutia as well as Rajesh Gurung as such the prayer for bail of the accused Jigme Wangchuk Bhutia may kindly be rejected.

Having heard the submission of the Ld. advocate for the accused and the Ld. Special P.P., perused the case record, C.D. and other materials on 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 recovered 8 eight bottles of Chlorpheniramine Maleate and Codeine Phosphate syrup styled as "Lykarex" cough syrup each bottles containing 100 ml syrup, 42 strips of Winspasmo Forte "Windlas" capsules each strips containing 24 capsules, 6 strips of Nitrazepam tablets each strip containing 50

tablets. All were wrapped in 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. 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 8 bottles of Chlorpheniramine Maleate and Codeine Phosphate syrups styled as "Lykarex" cough syrups each bottle containing 100 ml syrup, 42 strips of Winspasmo Forte "Windlas capsules each strip containing 24 capsules, 6 strips of Nitrazepam Tablets IP 10 mg "Nitdoze" each strip containing 50 tablets and one Isuzu vehicle bearing Regd. No. SK-01PD/0868 black in colour in running condition with its key, one original driving license in the name of Jigme Wangchuk Bhutia were seized from the possession of the accused Jigme Wangchuk Bhutia and other accused person Rajesh Gurung. The accused is found to be arrested on 18.12.2022. The case is at initial stage of investigation and from the recovery of Narcotic Drugs and Psychotropic Substances it is found that the commercial quantity of drugs has been recovered from the possession of the accused Jigme Wangchuk Bhutia along with other accused Rajesh Gurung.

Considering the materials available in C.D. and the recovery of huge amount of Narcotic Drugs and Psychotropic Substances from the possession of these accused persons, I am not inclined to allow the accused Jigme Wangchuk Bhutia to be released on bail.

Accordingly, the prayer for bail of the accused Jigme Wangchuk Bhutia is considered and rejected.

C.D. produced today before the court be returned to the Ld. Special P.P.

Fix 10.02.2023 for production of the accused persons from J/C and I.O's report in final form.

D&C by me

Sd/-

Judge, Special Court (NDPS)

Kalimpong

Sd/-

Judge, Special Court (NDPS)

Kalimpong