

JOCODE WB00683
CIS NO. 136 OF 2022
C.R.(NDPS) Case No.136 of 2022

Order No.4 dated 17-01-2023

Today is fixed for production and C/D.

Accused person namely Rahul Adhikari is produced from Correctional Home and placed on dock.

One bail petition is filed and moved on behalf of accused namely Rahul Adhikari.

Copy served.

The petition is taken up for hearing.

The Ld. Advocate submits that this accused person is innocent and has not committed any offence in this case. He further submit that it is not revealed from the complaint and the case record that sample from the mother quantity was ever drawn and further the aggregate codeine claimed by the prosecution does not come within the limit of commercial quantity. He prays for bail.

Ld. Spl. P.P. -in-charge raises strong objection, submitting that the sample was duly drawn from the mother quantity which is apparent from the case diary.

Heard both sides.

Perused the bail petition and the case record.

If it is not mentioned in the complaint or in the seizure list about drawn of sample does not mean that no sample was ever drawn. Further, as per note 4 of notification specifying small quantity and commercial quantity vide SO 1055 (E) dated 19-10-2021, the quantity shown in column No.5 and column No. 6 of the Table relating to the respective drugs shown in column no.2 shall apply to entire mixture or any solution or any one of more narcotic drugs or psychotropic substances of the particular drugs in dosags form or isomers, esters and salt of these drugs including salt of esters, ethers and isomers, wherever existence of such substance is possible and not just its pure drug content. Prima facie, as per materials on record commercial quantity of contraband, prohibited under NDPS Act, or in contravention of NDPS Act, has been seized from the possession of accused person. Granting of bail with regard to commercial quantity is barred under section 37 of the NDPS Act. Considering this, gravity of the offence alleged, entire facts and circumstances of this case and nature and quantity of contraband seized, the bail petitions stand **rejected.**

Fix 31-01-2023 for production of accused persons and I.O's report.

Dictated & corrected by me,

Judge,Spl.Court,Under NDPS Act,Slg.

Judge,Special Court,
Under NDPS Act, Siliguri.