

IN THE COURT OF THE ADDL. DIST. & SESS. JUDGE, 3rd Court, Purulia,

**Present : Shri Soumen Sarkar.
Judge, Spl. Court under NDPS Act,
ADJ, 3rd Court, Purulia.
JO Code No. WB00889**

N.D.P.S. Case No.08 of 2024

Order No.06

Dated 09-01-2025

This day is fixed for production of the accused person and hearing bail petition.

Ld. Spl. P.P, namely Gangadhar Mahato is present and filed hazira.

The accused Lalchand Das has been produced before this Court today from CH and taken into custody.

Ld. Advocate for the accused is also present.

Case record is taken up for hearing the prayer for bail of the accused filed on 02-01-2025.

Ld. Spl. P.P strongly opposed the prayer for bail of the accused person stating that in this case 520 Alprazolam tablets were recovered from the possession of the accused person, which is commercial quantity and as such, the accused should not be enlarged on bail keeping in view the restriction provided in Section 37 of the NDPS Act.

Ld. Advocate for the accused person emphatically refuted the contention of the Ld. Spl. P.P gainsaying that recovery of Alprazolam tablets in this case does not fall into the category of commercial quantity. Ld. Defense Counsel commoved that allegedly 52 strips Alprazolam ; each strips of 10 tablets of Alprazolam 0.5 mg were recovered from the possession of the accused person. Then Ld. Defense Counsel adverted that the total weight of Alprazolam in the seized contraband would be 260 mg as each of 520 tablets contained only 0.5 mg Alprazolam. Therefore, having referred the notification vide SO 1055(E) dated 19-10-2001 as amended in Serial no. 178 therein Ld. Advocate for the accused submitted that small quantity Alprazolam is 5 grams whereas commercial quantity of Alprazolam is 100 gm. Consequently, Ld. Defense Counsel oppugned that the alleged recovery of the seized contraband (Alprazolam) in this case is less than small quantity and as such, the accused person should be enlarged on bail. He added to his contention that the restriction of Section 37 of the NDPS Act will not be applicable in this case. Thus, he prayed for bail of accused on any condition of this case.

Having given much cogitation on the submission of both the sides and after perusal of the case record as well as case diary minutely it is discernible that 520 tablets each contains 0.5 mg Alprazolam were recovered from the possession of the accused person. It is further deciphered from the case record that total weight of 52 strips was measured and found as 110 grams. It is to be noted here that at the time of measuring the weight no table was removed from the strips for taking measurement of the weight of a tablet. Therefore, it is evident that the weight of 110 grams includes the weight of the strips also. It is obvious that if the measurement of weight of 52 strips is deducted from the total net weight of the 520 tablets, it would be much less than 100 grams, which is commercial quantity of Alprazolam. Thus, it is perspicuous in this case that the net weight of 520 tablets of Alprazolam will be more than small quantity but less than commercial quantity. It is pertinent to note here that the accused is in custody since 10-12-2024 and during his police

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remand there was no other recovery of contraband. It is indeed a fact that small quantity under Section 21(c)/29 of the NDPS Act is bailable offence. In this regard reliance can be placed on the decision cited by the Ld. Defense Counsel in **Chandan Das -Vr.- State of West Bengal** reported in **2002 C Cr LR (Cal) 311**, wherein the Hon'ble High Court at Calcutta was pleased to hold that small quantity of contraband is bailable offence. But in this case recovery is more than small quantity but much below the commercial quantity. The case diary revealed that there is little progress in investigation of this case after 20-12-2024. Thus, I am of the opinion that keeping the accused in custody further will not be fruitful.

Prayer for bail is allowed.

The accused namely Lalchand Das may find interim bail of Rs.2,000/- with one surety subject to satisfaction of the Ld. CJM, Purulia i.d. to C/H till 21-01-2025.

Let a copy of this order be sent to the Ld. CJM, Purulia for information and necessary action.

If the accused is on bail fixing **21-01-2025** for appearance of the accused person and IO's Report.

CD be returned.

Case is adjourned today.

To date (**21-01-2025**) for appearance of the accused person and IO's Report.

CD must be produced on the next date.

Dictated & Corrected by me

**Judge, Spl. Court under NDPS Act,
ADJ, 3rd Court, Purulia.**

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