

GAHC040006512023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : AB 25/2023

1:Omak Taying
S/o Lt. Toleng Taying,
Resident of Village Khatan, PO/PS Yingkiong, District Upper Siang, Arunachal Pradesh.

VERSUS

1:THE STATE OF AP
Represented by Public Prosecutor.

Advocate for the Petitioner : Chorpok Modi

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE KARDAK ETE

ORDER

Date : 09-06-2023

Heard Mr. A. Saring, learned counsel for the applicant and also heard Ms. T. Jini, learned Additional PP for the State of Arunachal Pradesh.

This application has been filed under Section 438 of Cr.PC for grant of pre-arrest bail of the accused namely Shri. Omak Taying in connection with Yingkiong PS Case No. 09/2023 under section 18(b) of NDPS Act, 1985.

Mr. A. Saring, learned counsel for the accused/applicant submits that an FIR has been filed based on the complaint and recovery of 84.465 kg of opium seized from a joint poppy field. Though he has not been named in the FIR, he apprehends that he may be arrested on suspicion as he consumes opium.

He further submits that the accused/applicant is 61 years of age and a permanent resident of Khatan village and is undergoing treatment at Drugs De-Addiction & Rehabilitation Centre, Pasighat and therefore, he may be granted pre-arrest bail.

The case diary has been produced by the learned Additional PP.

Ms. T. Jini, learned Additional PP fairly submits that as per the statement of the wife of the accused recorded under Section 161 Cr.PC, indicates the accused. However, considering the fact that the accused/applicant is at Drugs De-Addiction & Rehabilitation Centre, Pasighat for treatment and is a permanent resident of Khatan Village under Yingkiong PS, Upper Siang District, Arunachal Pradesh, she does not have any objection if this Court in the facts and circumstances of the case grant the accused pre-arrest bail, of course, subject to stringent conditions.

I have heard the learned counsel for the parties.

Having considered the submissions of the learned counsel for the parties and on perusal of the case diary as well as the materials available on record, this Court deem it appropriate to grant the accused/applicant, the privilege of pre-arrest bail in connection with Yingkiong PS Case No. 09/2023 under section 18(b) of NDPS Act, 198.

It is an admitted fact that the applicant/accused consumes opium and has an addiction for which he is under-going treatment at Drugs De-Addiction & Rehabilitation Centre, Pasighat. The accused is of 61 years of age and a permanent resident of the jurisdiction of Yingkiong PS, Upper Siang District, Arunachal Pradesh.

In view of the above in the event of arrest, the applicant/accused shall be released on bail with a bail bond of Rs. 10,000/- with surety of like amount, with the following conditions:

- i) The accused shall make himself available before the IO as and when called for.
- ii) The accused shall not leave the jurisdiction of the Drugs De-Addiction & Rehabilitation Centre, Pasighat without express permission from the IO.
- iii) The accused shall not terrorise or tamper with the prosecution witness in any manner whatsoever.

Bail application is accordingly allowed.

JUDGE

Comparing Assistant