

GAHC040009382023



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

Case No. : BA/64/2023

Tanchung Namsa
S/o Lt. Karma Norbu,
R/o Village Boha, PO/PS Kalaktang, District West Kameng, Arunachal Pradesh.

VERSUS

THE STATE OF AP
Represented by Public Prosecutor

Advocate for the Petitioner : Adam Tatak

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 24.07.2023

Heard Mr. T. Gyatso, learned counsel for the petitioner. Also heard Mr. J. Tsering, learned Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused, who has been languishing in jail hazot in connection with Balemu P.S. Case No. 07/2022, under Section 20 (B) of the NDPS Act.

Scanned copy of the LCR has already been received and I have perused the same.

It is submitted by Mr. Gyatso, learned counsel for the petitioner, that the accused has been in custody for last 7 (seven) months since the date of his arrest, i.e. on 13.12.2022. Further it is submitted that from the F.I.R. itself, it reveals that there is no compliance of Section 52(A) as well as Section 42 of the NDPS Act. Further it is submitted that almost 6 (six) numbers of witnesses are already been examined and there are sufficient contradiction in their versions wherefrom it is very much evident that they have not observed all the necessary formalities while at the time of seizure as well as at the time of disposal of the contraband. It is further submitted that there is no probability of influencing the witnesses at this stage as almost all the witnesses are already examined. The accused is ready to appear before the learned Special Judge (NDPS) Act, Bomdila, on each and every date to be fixed by the Court if he is granted with the privilege of bail and there is no chance of absconding as he is permanent resident of his addressed locality.

In this context, the learned Public Prosecutor, Mr. Tsering, has submitted that almost all the witnesses are already been examined in this case and from the F.I.R. as well as from the witnesses, it reveals that there is clear violation of Section 52(A) as well as Section 42 of the NDPS Act. Further it is submitted that considering the length of detention already undergone by the accused and also considering the stage of the case, he may be released on bail.

After hearing the submissions made by the learned counsels of both sides and also considering all aspects of the case as well as the length of detention already undergone by the accused, I am of the view that further detention of the accused seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Special Judge (NDPS Act), Bomdila, the accused, namely, Shri Sanjit Basumatary, be enlarged on bail.

In terms of above, this bail application stands disposed of.

JUDGE

Comparing Assistant