

GAHC040015342022



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

Case No. : BA 124/2022

1:Nang Susmita Phalung
D/o Mr. Kartik Phalung,
Address Koseng, 2nd Mile, PO/PS Namsai, Dist. Namsai, AP

VERSUS

1:The State of Arunachal Pradesh
Represented by its Public Prosecutor.

Advocate for the Petitioner : O Deori

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 04-01-2023

Heard Mr. V. Jamoh, learned counsel for the accused and Mr. J. Tsering, learned PP for the State of Arunachal Pradesh.

This is an application under Section 439 Cr.P.C. filed by the applicant, namely, ***Ms. Nang Susmita Phalung*** praying for bail of the accused, namely, ***Smti. Padmini Phalung*** in connection with Namsai P.S. Case No. 77/2022 under Section 21 (b) of the NDPS Act.

It is submitted by the learned counsel for the accused that the present accused is in jail since 08.11.2022. Charge-Sheet has already been submitted against the accused and hence, there is no question of hampering or tampering with the evidence or witnesses of the present case. Further, it is submitted that though the case has been Charge-Sheeted but there is no FSL report in respect of the contraband which is suspected to be Narcotics substance. Some white and orange colour powder suspected to be psychotropic substance were recovered from the possession of the accused and the FSL report is not accompanied along with the Charge-Sheet. Accordingly, it is submitted that the FSL report is the main subject matter of the entire case as to whether the materials which is seized from the possession of the accused would fall under the Narcotics and Psychotropic substance and without the FSL report there cannot be any case against the present accused.

Scanned copies of the LCRs has already been received and the same has been perused.

It is seen in the Charge-Sheet that the I.O. has prayed for filing a supplementary Charge-Sheet after receipt of the FSL report which has already been sent to the CFSL, Pune for obtaining expert opinion but till date, no report has been submitted by the I.O. nor any Supplementary Charge-Sheet has been filed by the concerned I.O.

The learned counsel for the accused further submitted that there is no chance of absconding of the present accused and shall regularly appear before the trial Court and co-operate in the trial.

The learned PP has also submitted in this regard that the accused is languishing in jail since 08.11.2022 and the concerned I.O. has not collected the FSL report from the CFSL, Pune though the sample has already been sent for examination and further submitted that considering the entire aspect, the bail prayer may be considered taking into consideration the length of detention undergone by the accused.

In view of the above the accused, namely, **Smti. Padmini Phalung** shall be released on bail on his executing a bail bond of Rs.20,000/- with one surety of like amount to the satisfaction of the learned Special Judge (NDPS), East Sessions Division, Tezu, Lohit District subject to condition that the accused, aforementioned, shall furnish her original Aadhar Card.

This bail application accordingly stands disposed of.

JUDGE

Comparing Assistant