

GAHC010017142023



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

Case No. : Bail Appln./316/2023

JINTU RAJBONSHI
S/O- NARAYAN RAJBONGSHI,
R/I- GARCHUK, NEAR SATURDAY MARKET,
P.S- GARCHUK, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY PP, ASSAM

Advocate for the Petitioner : MR F HAQUE

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 10.02.2023

Heard Mr. F. Hoque, learned counsel for the petitioner as well as Mr. M. P. Goswami, learned APP appearing for the State.

The petitioner, who was arrested on 05.01.2023 is seeking regular bail under section 439 Cr.P.C. in connection with Garchuk P.S. Case No. 03/2023

corresponding to G. R. No. 107/2023 under sections 21(b)/29 of the NDPS Act.

The learned APP has produced the case diary and opposed the prayer for bail on the ground that the petitioner was present at the site along with co-accused and police apprehended them, and 46 vials containing brown sugar weighing 5.15 gm was seized from the co-accused with whom the petitioner was accompanying. The IO suspects the petitioner to be involved in peddling of narcotic drugs and psychotropic substances.

On a perusal of the case diary, it appears that there are sufficient incriminating against the petitioner, of being involved in peddling of the narcotic substance along with the co-accused from whom narcotic drugs and psychotropic substances was seized.

Nonetheless, as the petitioner has spent 36 days in custody, considering the same the Court is inclined to grant bail to the petitioner, namely, Sri Jintu Rajbonshi, in connection with Garchuk P.S. Case No. 03/2023 on furnishing bail bond of Rs.50,000/ with two solvent sureties of like amount to the satisfaction of the learned Special Judge, Kamrup (Metro) Guwahati. Out of two bailor, one should offer his/her immovable property as security for grant of bail.

The bail is granted on the following conditions:

1. The petitioner shall make himself available to the police or any other investigating agency or Court in the present case as and when required.
2. The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to Court or to any police officer or tamper with the evidence. He shall not, in any manner,

try to overawe or influence or intimidate the prosecution witness.

3. The petitioner shall not obstruct the smooth progress of the investigation/trial.

4. The petitioner shall not misuse his liberty in any manner.

5. The petitioner on being release on bail shall appear before the I/O within ten days and continue to appear before the I/O once every 15 (fifteen) days till his appearance is dispensed with or charge-sheet is filed, whichever is earlier.

If the petitioner is found involved in similar offence, it would be open to the police to approach the Jurisdictional Court and apply for cancellation of bail.

The case diary is returned.

This application stands disposed of.

JUDGE

Comparing Assistant