

GAHC010027992023



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

Case No. : Bail Appln./464/2023

ROBIN GOGOI
S/O- PURNAKANTA GOGOI, R/O- AGAM DOLUNG, P.O AND P.S- JONAI,
DIST- DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P P DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 17.02.2023

Heard Mr. P.P. Dutta, learned counsel for the petitioner. Also heard Mr. Bhaskar Sarma, learned APP appearing for the State.

The petitioner, who was arrested on 19.12.2022, is seeking regular bail

under section 439 Cr.P.C. in connection with Jonai P.S. Case No. 131/2022 under sections 120(B) IPC read with Section 21(b)/29 of NDPS Act.

The learned counsel for the petitioner has submitted that the petitioner was arrested on 19.12.2022 and today is the 60th day from the date of his remand.

Accordingly, the learned APP was requested to contact the I.O. of the case to ascertain as to whether charge-sheet has been submitted in this case. Upon instruction, the learned APP has submitted that till date charge-sheet has not been submitted in connection with the aforesaid case.

In this case the petitioner is accused of offence under Section 120(B) IPC read with Section 21(b)/29 NDPS Act. For the substantive offence committed under Section 21(b) of the NDPS Act, as per the provision of Section 36A of the NDPS Act read with Section 167(2) CrPC, the default bail period would be 60 days. Accordingly, in view of the said provision under Section 36A of the NDPS Act read with Section 167(2) CrPC, the Court is inclined to grant default bail to the petitioner, namely, Robin Gogoi in connection with the aforesaid case on furnishing bail bond of Rs.1,00,000/- with two suitable sureties of like amount to the satisfaction of the learned Special Judge (NDPS), Dhemaji. 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 shall appear before the I/O within 10 (ten) days from the date of his release, and continue to appear once every 15(fifteen) days till his appearance is dispensed with or charge-sheet is submitted, whichever is earlier.

The grant of bail to the petitioner would not be an impediment to the I.O. to take necessary steps as may be permitted in accordance with law.

This application stands disposed of.

JUDGE

Comparing Assistant