

GAHC010044572023



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

Case No. : Bail Appln./805/2023

ROMAN POUDYAL
S/O- SRI GAMBHIR POUDYAL, R/O- VILL- TORIBARI, P.S. KANGPOKPI,
DIST.- KANGPOKPI, STATE MANIPUR

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

27.07.2023

Heard Mr. S. Munir, learned counsel for the accused petitioner. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused petitioner, namely **Roman**

Poudyal has prayed for grant of bail in connection with **Special (NDPS) Case No.08/2022** arising out of **Borpathar P.S. Case No.61/2021** under Sections **21(c)/29** of the NDPS Act pending in the Court of learned Special Judge (NDPS Act), Karbi Anglong, Diphu.

The scanned copy of case record is placed before the Court.

The case relates to recovery and seizure of 698.54 grams of heroin from a vehicle bearing registration No. NL 07H 7110.

It is noticed that the accused petitioner has been in judicial custody since 25.10.2021, that is, for 641 days.

Perusal of the case record shows that the learned trial Court framed charges under Sections 21(c)/29 of the NDPS Act against the accused petitioner and 2(two) others vide order, dated 14.02.2022. Thereafter, out of the 16(sixteen) listed witnesses 5(five) prosecution witnesses have been examined so far.

In the backdrop of facts and circumstances of the case as emerged from perusal of the scanned copy of the case record, This Court is of the opinion that if the liberty of bail is granted to the accused petitioner, who has been in judicial custody for the last 641 days, the remaining part of trial is unlikely to be hampered.

Accordingly, it is provided that the accused petitioner, named above, shall be released on bail of **Rs.1,00,000/- (Rupees One Lakh)** only with two sureties of like amount to the satisfaction of the learned **Special Judge (NDPS Act), Karbi Anglong, Diphu** subject to the following conditions-

- i) That the accused petitioner shall continue to appear before the learned trial Court on all dates to be fixed from time to time till the

case is disposed of;

- ii) That the accused petitioner shall not directly or indirectly make any inducement, threat or promise to any of the remaining prosecution witnesses, who are acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court;
- iii) That the accused petitioner shall refrain from committing any offences similar to the one of which he is accused; and
- iv) That out of the two sureties, one must be a government servant subject to verification of the relevant documents, if deemed necessary and after such verification, the learned Court below shall return the original documents retaining legible scanned copy thereof on record for future reference.

This disposes of the bail application.

JUDGE

Comparing Assistant