

GAHC010069972023



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

Case No. : Bail Appln./1196/2023

SIIM TERON
S/O RAJESH TERON
R/O VILL/TOWN HATIM TERON GAON
P.S. MANJA
SUB-DIVISION- DIPHU
DIST. KARBIN ANGLONG, ASSAM
PIN-782461

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D R GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

11.05.2023

Heard Mr. D.R. Gogoi, learned counsel appearing for the accused petitioner as well as Mr. B. Sarma, learned Addl. P.P., Assam appearing for the State

respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely **Siim Teron** has prayed for grant of bail in connection with **Daboka P.S. Case No. 152/2022** under Sections **21(C)/23(C)/27(A)/29** of the NDPS Act.

The scanned copy of case record, as called for, is placed before the Court.

Mr. D.R. Gogoi, learned counsel appearing for the accused petitioner, submits that the accused has been languishing in jail for about 1 year despite the fact that out of the 5(five) listed prosecution witnesses 4 (four) witnesses are already examined in the case. Mr. Gogoi further submits that the accused being a permanent resident under Manja P.S., there is no chance of him jumping the course of justice.

Opposing the bail application, Mr. B. Sarmah, learned Additional Public Prosecutor, submits that commercial quantity of tramadol tablets was recovered and seized from the accused and as such, in view of the bar under Section 37 of the N.D.P.S. Act, the liberty of bail may not be granted to the accused petitioner.

The matter relates to recovery and seizure of 2400 nos. of blue coloured capsules marked as SAMPEX+ from a car bearing registration No. AS-01AX-3979.

It is noticed that the accused has been in judicial custody since 08.06.2022, that is, for 338 days.

A perusal of the case record reveals that charges under Sections 21(C)/23(C)/27A/29 of the N.D.P.S. Act have been framed against the accused petitioner vide order, dated 02.11.2022. There is a list of five prosecution witnesses and four witnesses are already examined.

The accused is a permanent resident under Manja P.S., Assam and as such, there is no possibility of the accused running away from the remaining part of trial. There is no indication of his criminal antecedence.

Therefore, despite having a bar under Section 37 of the N.D.P.S. Act, keeping in consideration of the length of detention and substantial progress in trial, this Court is of the opinion that the liberty of bail may be granted to the accused petitioner.

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 (N.D.P.S. Act), Hojai/Sessions Judge, Hojai** 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 the remaining prosecution witnesses so as to dissuade them from disclosing 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 the accused/petitioner and his bailors shall produce their Voter Identity Card/ Passport/ Permanent Residential Certificate etc., whatever is available at the time of submission of the bail bond for

satisfaction of the learned Court below regarding their identity and address and then return the same retaining photocopy thereof on record.

Breach of any of the above conditions shall render cancellation of the bail in accordance with law.

This disposes of the bail application.

JUDGE

Comparing Assistant