

GAHC010087792023



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

Case No. : Bail Appln./1485/2023

RAJ PEGU
S/O- LATE SOBILAL PEGU, R/O- VILLAGE- RANGA DE RESERVE, P.S.
LALUK, DIST.- LAKHIMPUR, ASSAM

VERSUS

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

Advocate for the Petitioner : MR B BURAGOHAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 27.04.2023

Heard Mr. B Buragohain, learned Counsel for the accused petitioner as well as Mr. B Sharma, learned Additional Public Prosecutor, Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Raj Pegu** has prayed for grant of bail in connection with **North Lakhimpur PS case No. 57/2023** (GR No.150/2023) under Sections 21 (b)/29 of the NDPS Act.

It may be mentioned herein that earlier vide order, dated 04.04.2023, prayer for bail of the present accused petitioner was rejected by this Court in Bail Application 1120/2023.

Case diary is not received.

It is noticed that the accused petitioner is in judicial custody for 72 days since 15.02.2023.

The FIR reveals the allegation that on 13.02.2023, the informant along with his staff detained an Auto vehicle bearing Registration No.AS07 AC 4805 and recovered one black colour polyethene bag containing 41 nos. of containers and 2 nos. of empty container suspected to be drugs from one Rustom Ali.

It is also seen that accused petitioner had criminal antecedent and he was involved in Laluk PS Case No. 404/2021, Bihpuria PS Case No. 483/2016 and Bihpuria PS Case No. 253/2017.

Having heard the learned counsel for both sides and on perusal of the FIR and the forwarding report, it appears that there is abundance of *prima facie* incriminating materials against the present accused.

However, considering the length of detention, this Court is of the opinion that further detention of the accused petitioner may not be warranted.

Accordingly, it is provided that the accused named above shall be released on furnishing bail of **Rs. 50,000/-** only with 2(two) sureties of like amount to the satisfaction of the learned **Special Judge (NDPS Act), Lakhimpur at North Lakhimpur**, subject to the following conditions- :

- i) That the accused/petitioner shall cooperate with the Investigating Officer as and when required;
- ii) That the accused/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 the Police Officer or the Court;
- iii) That the accused/petitioner shall refrain from committing any such

offence of which he is accused of commission; 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.

Be it mentioned that any observation made in this bail order shall have no bearing in the judicial discretion of the learned court below.

This disposes of the bail application.

JUDGE

Comparing Assistant