

GAHC010097432023



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

Case No. : Bail Appln./1621/2023

NAROLA JAMIR @ WABANGNARO @ WAPANG NARO
W/O SRI BABA HAZARIKA @ PRANAB BORAH @ PRADIP BORAH @
BHAITI
PRESENT ADDRESS- KHATKHATI KACHARI GAON, P.O.AND
P.S.KATHKHATI, KARBI ANGLONG,
ADDRESS- 2- AMGURI KACHARI LINE, NEAR COLLEGE TINIALI
P.O. AND PS. AMGURI, SIVASAGAR
ADDRESS- 3- GANESHGURI, OPP. DISPUR HOSPITAL,
H/NO. 3, AMRITPUR CHARIALI, P.S. DISPUR, GUWAHATI06
ADDRESS-4- S/O MONIRAM BORAH OF BURMA CAMP,
DIMAPUR,NAGALAND
ADDRESS- BORBAM GRANT BAGAN, PS.AMGURI, SIVASAGAR
ADDRESS-5- BORBAM GRANT BAGAN,P.S.AMGURI
SIVASAGAR,
ADDRESS- 6- S/O MONIRAM BORA OF NEW MARKET, NAGALAND,
DIMAPUR,
ADDRESS- VILL- YIMCHENKIMONG, P.O. ALONGKIMA
P.S. MONGKULEMPA,
DIST. MOKOKCHUNG, NAGALAND.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

08.06.2023

Heard Mr. S. Munir, learned counsel appearing for the accused petitioner as well as Mr. R.J. Baruah, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused/petitioner, namely **Smti Narola Jamir @Wabangnaro @Wapang Naro** has prayed for grant of bail in connection with **Special (NDPS) Case No. 45/2022** arising out of **Khatkhati P.S. Case NO. 08/2022** registered under Sections **21(c)/25/29** of the NDPS Act read with Section **51(1A)** of the Wild Life (Protection) Act, pending in the Court of learned Special Judge (NDPS Act), Karbi Anglong, Diphu.

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

The case against the present accused petitioner relates to recovery and seizure of 795 grams of heroin.

It is noticed that the accused petitioner has been in judicial custody since 06.03.2022, that is, for 461 days.

A perusal of the case record reveals that charges under Sections 21(c)/29 of the NDPS Act were framed vide order, dated 12.08.2022 and thereafter, 10(ten) prosecution witnesses out of 14(fourteen) listed prosecution witnesses of the charge-sheet are examined so far.

The present accused petitioner is the wife of the prime accused one Baba

Hazarika. The contraband was recovered from one modified hidden chamber inside the left side of the diesel tank of the seized dumper vehicle.

Having heard the learned counsel of both the sides and perusal of the case record including the evidence of the prosecution witnesses so far examined in the case as well as the length of detention, this Court is of the considered opinion that despite there is a bar in granting bail in the matter involving commercial quantity of drugs contained in Section 37 of the NDPS Act, the accused petitioner, if released on bail, it is unlikely to adversely affect the remaining part of trial of the case.

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 witness 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 similar offences in future of which she is accused of commission;
- iv) That one of the two sureties must be a government servant subject to verification of the relevant documents and the learned Court below shall return the aforesaid documents after such

verification retaining legible scanned copy thereof on record; and

- v) As there are seven permanent addresses of the accused petitioner located in Assam and Nagaland, the accused/petitioner and her bailors shall produce their Voter Identity Card/Passport/Permanent Residential Certificate, 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.

Be it mentioned that no observation made in the course of this order shall have any bearing on the independent judicial discretion of the learned trial Court.

This disposes of the bail application.

JUDGE

Comparing Assistant