

GAHC010101412023



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

Case No. : Bail Appln./1675/2023

SONAM GURUNG
S/O LT. PHUNTSOK GURUNG
R/O KHERMAHAL CHAKESENG COLONY, P.S. WEST DIMAPUR
DIST. DIMAPUR, NAGALAND.

VERSUS

STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P K DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HON'BLE MRS. JUSTICE MALASRI NANDI
ORDER

22.06.2023

Heard Mr P K Das, learned counsel, appearing on behalf of the petitioner. Also heard Mr D P Goswami, learned Additional Public Prosecutor for the State of Assam.

2. The petitioner, Sonam Gurung, who was arrested on 03.04.2023, has preferred this application under Section 439 CrPC, seeking bail in connection with Rangia GRPS Case No. 14/2023, under Sections 25 (1B)(a)/25(8) of the Arms Act, 1959 as amended by the

Arms (Amendment) Act, 2019.

3. Learned counsel for the petitioner has submitted that 200 rounds of .22 mm live ammunitions were recovered from the possession of the petitioner. He further submits that though the case was registered under Section 25 (8) of the Arms Act, but as the ammunitions were recovered from the possession of the petitioner, Section 26 of the Arms Act will be attracted in this case, where punishment is upto 7 (seven) years.

4. It is further submitted that the accused petitioner has been detained in custody since 03.04.2023 and therefore, has completed more than 80 days in jail hazot. So, considering the detention of the petitioner, he may be released on bail.

5. On the other hand, learned Additional Public opposing to the bail prayer to the petitioner, has submitted that the ammunitions were recovered from the possession of the petitioner, so, bail may not be granted to him.

6. I have considered the submissions made by the learned counsel for both the parties. I have also perused Case Diary.

7. Considering the submissions made by the learned counsel for both the parties as well as the period of detention, this bail application is allowed. Accordingly, it is hereby directed that the aforesaid petitioner shall be released on bail on furnishing bail bond of Rs. 50,000/- with two sureties of the like amount, one of which must be a Government servant, to the satisfaction of the learned SDJM, Rangiya, at Guwahati, in connection with the aforesaid case. The bail granted to the petitioner shall be subject to following conditions:-

(a) The petitioner shall not leave the territorial jurisdiction of learned SDJM, Rangiya, without prior written permission from him;

(b) The petitioner shall not hamper and tamper with the evidence of the case;

(c) 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 them from

disclosing such facts to the Court or to any police officer.

8. With the aforesaid directions, this Bail Application stands disposed of.

9. Send back the Case Diary.

JUDGE

Comparing Assistant