

GAHC010104232023



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

Case No. : Bail Appln./1745/2023

LONGJAM BROJEN
S/O LONGJAM MANI SINGH
R/O URIPOK ACHOM
LEIKAI, IMPHAL, MANIPUR, 735001
PERMANENT ADDRESS-
NARANSEINA MANING LEIKAI
P.O. AND P.S. MOIRANG,
BISHNUPUR, MANIPUR, 795133

VERSUS

UNION OF INDIA
REP. BY NARCOTICS CONTROL BUREAU.

Advocate for the Petitioner : MR N J DAS

Advocate for the Respondent : SC, NCB

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

12.09.2023

Heard Mr. M. Hasan, learned counsel for the accused petitioner. Also heard

Ms. R. Deka, learned counsel appearing on behalf of Mr. S.C. Keyal, learned Standing Counsel, NCB.

By this second petition under Section 439 Cr.P.C. read with Section 37 of the N.D.P.S. Act, the accused petitioner, namely **Longjam Brojen** has prayed for grant of bail in connection with **N.D.P.S. Case No. 4/2020** arising out of **NCB Crime No.10/2019** under Sections **22(c)/29** of the N.D.P.S. Act.

The earlier bail application of the accused petitioner being Bail Appln. No.166/2021 was rejected by this Court vide order, dated 03.03.2021.

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

The case relates to recovery and seizure of 953 gms. of Methamphetamine tablets marked as 'WY' and 345 gms. of Mthemphetamine tablets marked as 'R' from the joint possession of the present accused and four others.

It is noticed that the accused petitioner has been in judicial custody since 29.07.2019, that is, for 4 years 1 month 15 days.

Perusal of the case record shows that by an order, dated 11.05.2023, passed by this Court in B.A. No.3204/2022 the learned trial Court was directed to complete examination of the remaining witnesses within a reasonable period preferably within 4(four) months vide order, dated 08.06.2023 passed by the learned trial Court.

It has been further noticed that the charges under Sections 22(c)/27/29 of the N.D.P.S. Act were framed against the accused petitioner and four others vide order, dated 17.02.2022. Thereafter, the learned trial Court has examined as many as 9(nine) prosecution witness out of listed 14(fourteen) witnesses till 30.09.2022 and thereafter, no further prosecution witness has been examined

till date.

Therefore, this Court is of the opinion that although there is bar under Section 37 of the N.D.P.S. Act in granting bail to accused in matters involving commercial quantity in view of the mandate under Article 21 of the Constitution of India, if the accused petitioner, who is a permanent resident of Manipur, is released on bail subject to stringent conditions, the remaining part of the 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 government servant sureties of like amount to the satisfaction of the learned **Special Judge (NDPS Act), Kamrup(M) at Guwahati** 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, who are acquainted with the facts of the case so as to dissuade him/her 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 of commission; and
- iv) That the accused/petitioner and his bailors shall produce their Voter Identity Card /Passport/ Permanent Residential Certificate,

whatever is available at the time of submission of the bail bonds for satisfaction of the learned Court below regarding their identity and address and then return the same retaining photocopy thereof on record. If the learned trial Court deems it necessary for verification of the bail bonds and the documents enclosed therewith, the same shall be done through the N.C.B., the report of which shall be submitted invariably within a period of **15(fifteen) days** from the date of receipt of the documents from the learned Court below.

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