

GAHC010108152023



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

Case No. : Bail Appln./1787/2023

MRS. RIMPA HAZARIKA
W/O LATE RAJEN HAZARIKA, R/O KHATKHATI KACHARI GAON (NEAR
SAILA MANDIR), P.S.-KHATKHATI, DIST-KARBI ANGLONG, ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 22.08.2023

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

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Mrs. Rimpa Hazarika**, has prayed for grant of bail in connection with **Special (NDPS) Case No. 80/2021 (Barpather P.S. Case No. 30/2021)** under Sections **21(C)** of the NDPS Act.

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

It is noticed that the accused petitioner has been in judicial custody since 26.05.2021, i.e. for 818 days.

The case relates to recovery and seizure of heroin, weighing 723 gram, from the travel bag carried by the accused petitioner.

A perusal of the case record reveals that the learned Trial Court framed charges under Section 21(c)/23(c)/29 of the N.D.P.S. Act against the accused petitioner for illegally possessing 723 grams of heroin, vide order, dated 30.10.2021. Thereafter, the learned Trial Court has examined 8 prosecution witnesses, out of listed 18 witnesses. There is no possibility of completion of trial without further delay. The case record, as a whole, reveals that there is *prima facie* incriminating material against the accused petitioner subject, of course, to final outcome in investigation.

However, having considered the length of detention in judicial custody, this Court is of the considered opinion that further continuation of detention of the accused, in the interest of investigation, is not warranted.

Accordingly, despite the bar contained in Section 37 of the NDPS Act and keeping in mind the mandate of Article 21 of the Constitution of India, it is provided that the accused petitioner, named above, shall be released on bail of **Rs. 50,000/-** 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; and
- ii) That the accused petitioner shall not directly or indirectly make any inducement, threat or promise to any of the remaining prosecution witnesses; and
- iii) That the accused petitioner shall refrain from committing any similar

offences in future, of which she is suspected 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 trial Court shall return the original documents retaining legible scanned copy thereof on record for future reference.

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

This disposes of the bail application.

JUDGE

Comparing Assistant