

GAHC010113302023



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

Case No. : Bail Appln./1854/2023

BHASKARJYOTI DAS
S/O SRI BIREN DAS
R/O VILL- SUALKUCHI, KANCHAN NAGAR,
P.S. SUALKUCHI,
DIST. KAMRUP, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

28/06/2023

Heard Mr. N J Dutta, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

This application under Section 439 Cr.P.C. has been filed by the petitioner, namely, **Bhaskarjyoti Das**, seeking bail in connection with **Hajo P.S. Case No. 321/2023** registered under

Sections 21(b)/29 of NDPS Act, wherein he was arrested on 01.05.2023 and since then he is in custody.

As per the FIR of the case, on the basis of a special tip off, one scooty bearing registration No. AS-25-Q-4765 was intercepted at Bhelamari (Amdalapar) and during its search, 20 nos. of small plastic container containing brown colour powders suspected to be heroin total weighing 5.6 gms. were seized from the possession of the petitioner and another, namely, Rahul Amin @ Rahul @ Bemari and both the persons were taken into custody.

Accordingly, said FIR was registered as Hajo P.S. Case No. 321/2023 under Sections 21(b)/29 of NDPS Act.

Perused the case diary placed before the Court today by Mr. M P Goswami, learned Additional Public Prosecutor, Assam.

The arrest memo reflects that the petitioner was arrested on 01.05.2023 and the seized materials have already been forwarded to the FSL for its examination and necessary report which is yet to be received.

Considering the above and the period of detention of the petitioner in custody since 01.05.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Hajo P.S. Case No. 321/2023. As such, this bail application of the petitioner in said Hajo P.S. Case is accepted.

Accordingly, the petitioner, namely, **Bhaskarjyoti Das**, be released on bail in said **Hajo P.S. Case No. 321/2023** registered under Sections 21(b)/29 of NDPS Act, on furnishing a bail bond of Rs.75,000/- with 2 (two) local sureties of the like amount, one of which shall be a Government Employee (Central and/or State of Assam), to the satisfaction of the learned Special Judge (NDPS), Kamrup, Amingaon on conditions that the petitioner shall – (i) appear before the Investigating Officer of said Hajo P.S. Case No. 321/2023 on every Monday during the 1st half of the office hours between 10:00 AM to 01:00 PM in the week commencing from 10.07.2023 for the next 7 (seven) weeks and thereafter, as and when he is required for necessary investigation of the case; (ii) not leave the territorial jurisdiction of the Hajo Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; (iii) not hamper with the investigation, or tamper with the evidence of the case; (iv) not indulge in any such activities of illegal consumption of narcotic

substances in future and (v) 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 Court or to any police officer.

It is also made clear that in the event of filing of charge-sheet/offence report in said Hajo P.S. Case No. 321/2023 against the petitioner, named above, he shall appear before the concerned Special Judge (NDPS), Kamrup, Amingaon, having territorial jurisdiction of said Hajo Police Station on the date(s) so fixed.

Failure on the part of the petitioner, namely, Bhaskarjyoti Das to comply with the terms and conditions noted above, the bail granted to him in the aforesaid Hajo P.S. Case No. 321/2023 shall stand automatically vacated.

Bail application accordingly stands allowed to the extent above.

Return the case dairy.

JUDGE

Comparing Assistant