

GAHC010113492023



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

Case No. : Bail Appln./1910/2023

UMAKANTA BORI
S/O LT. BALIBOR BORI
R/O LAIMEKURI TAKO GITUNG
P.S. JONAI
DIST. DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B K GOGOI

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

28/06/2023

Heard Mr. B K Gogoi, 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, **Sri**

Umakanta Bori, seeking bail in connection with **Jonai P.S. Case No. 62/2023** registered under Section 20(b) of NDPS Act corresponding to G.R. Case No.82/2023, wherein he was arrested on 03.03.2023 and since then he is in custody.

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

As per the FIR of the case, on receipt of specific information around 9:00 PM on 05.05.2023, a large quantity of cannabis (Ganja) was recovered from the house of the petitioner that was kept in a tin box under his bed weighing about 5.73 kgs.

Mr. Goswami, learned Additional Public Prosecutor, Assam from the case diary submitted that FSL report is yet to be received.

Considering the above and the period of detention of the petitioner in custody since 03.03.2023, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Jonai P.S. Case No. 62/2023. As such, this bail application of the petitioner in said Jonai P.S. Case is accepted.

Accordingly, the petitioner, namely, **Sri Umakanta Bori**, be released on bail in said **Jonai P.S. Case No. 62/2023** registered under Section 20(b) 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 Sub-Divisional Judicial Magistrate, Jonai, Dhemaji on conditions that the petitioner shall – (i) appear before the Investigating Officer of said Jonai P.S. Case No. 62/2023 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 Jonai 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, failing which, the bail granted to him in the aforesaid Jonai P.S. Case No. 62/2023 shall stand automatically vacated.

Bail application accordingly stands allowed to the extent above.

Return the case diary.

JUDGE

Comparing Assistant