

GAHC010114992023



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

Case No. : Bail Appln./1870/2023

ASHIM GOGOI @ DHUNUKON AND ANR
S/O- LATE KAMAL NANDI, R/O- WARD NO.6, TULSIBARI, P.S. DHEMAJI,
DIST.- DHEMAJI, ASSAM

2: SRI KRISHNA SAIKIA @ DHUN
S/O- SRI PRASANTA SAIKIA
R/O- VILLAGE- NOGAKHELIA
P.S. DHEMAJI
DIST.- DHEMAJI
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY P.P., ASSAM

Advocate for the Petitioner : MR G PHUKAN

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

26-06-2023

Heard Mr. G. Phukan, learned counsel for the petitioners and Mr. M.P.Goswami, learned

Additional Public Prosecutor, Assam for the State.

By this application filed under Section 439 Cr.P.C., the petitioners, namely, (i) **Sri Ashim Gogoi @ Dhunukon** and (ii) **Sri Krishna Saikia @ Dhun**, are seeking bail in connection with Dhemaji Police Station Case No. 67/2023 registered under Section 21(b) of the NDPS Act, corresponding to G.R. Case No. 209/2023 (DMJ) in which they were arrested on 03.05.2023 and since then they are in custody.

As per the FIR of the case dated 20.04.2023, on a specific information, on the evening of 20.04.2023 around 07:30 pm, police conducted a search of the vehicle which is without any registration number with Chassis No. MD626AK3152A13404 and Engine No. AK3AP2X09289 driven by its driver Raju Nandi @ Pula and recovered suspected Narcotic substances to be Heroin weight of 0.84 grams with plastic container from the luggage box of the Scooty vehicle and accordingly, police seized those articles.

During the search and on the basis of the statement of the co-accused, the present petitioners were arrested on 03.05.2023 and since then they are in custody.

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

The case diary reveals that the petitioners were earlier arrested for their involvement in the similar offence and that the petitioner No. 1 is the main seller along with the petitioner No. 2 at Dhemaji. They used to procure drugs from the different places of the State mostly from Dibrugarh district.

However, the case diary reveals that such Narcotic substances could not be recovered from the possession of the petitioners, but the case diary indicates their involvement with regard to procurement and selling of such Narcotic drugs in a small quantity with high price since long.

Mr. Phukan learned counsel for the petitioners submits that the co-accused Raju Nandi @ Pula who was arrested for involvement in such illegal activities with regard to procurement and selling of such Narcotic substances in said Dhemaji P.S. Case No. 67/2023, was granted bail by a Co-ordinate Bench of this Court on 16.06.2023 in BA No. 1746/2023.

After perusal of the case diary and considering the period of detention of the petitioners in

custody since 03.05.2023, the Court is of the view that that further custodial detention of the petitioners are not warranted to investigate said Dhemaji P.S. Case No. 67/2023. As such, this bail application of the petitioners, named above, is accepted.

Accordingly, the petitioners, namely, (i) **Sri Ashim Gogoi @ Dhunukon** and (ii) **Sri Krishna Saikia @ Dhun**, be released on bail in said Dhemaji P.S. Case No. 67/2023 on furnishing a bail bond of Rs.1,00,000/- each with 2 (two) local sureties each of the like amount, one of which has to be a Government Employee (Central and/or State of Assam), to the satisfaction of the learned Special Judge, NDPS, Dhemaji on conditions that the petitioners shall- (i) appear before the concerned Investigating Officer of said Dhemaji P.S. Case No. 67/2023 **on every Monday during the 1st half of the office hours between 10:00 am to 02:00 pm in the week commencing from 10.07.2023 for the next 8 (eight) weeks** and thereafter, as and when they are required for necessary investigation of the case; (ii) not indulge in any offence or criminal activities while remaining on bail; (iii) not leave the territorial jurisdiction of said Dhemaji Police Station, without obtaining prior written permission from the concerned Investigating Officer of the case; (iv) not hamper with the investigation, or tamper with the evidence of the case 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 her/him from disclosing such facts to the Court or to any police officer.

Any violation of any of the aforesaid terms and conditions by the petitioners, named above, the bail granted to them in said Dhemaji P.S. Case No. 67/2023 shall stand automatically vacated.

This bail application of the petitioners stands allowed to the extent above.

Return the case diary

JUDGE

Comparing Assistant