

GAHC010129442023



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

Case No. : Bail Appln./2112/2023

ARUN YADAV @ ARUN KUMAR YADAV
S/O YOGENDRA YADAV
R/O GOPAL NAGAR,
P.S. PALTAN BAZAR, DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. S K NARGIS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

07.08.2023

Heard Mr. S. Munir, learned counsel for the accused petitioner. Also heard Mr. B. Sarma, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused petitioner, namely **Arun Yadav @Arun Kumar Yadav** has prayed for grant of bail in connection with **NDPS Case No.139/2021** pending in the Court of learned Special Judge (NDPS Act), Kamrup(M) at Guwahati arising out of **Paltan Bazar P.S. Case No.598/2021** under Sections **22(C)/27/28/29** of the NDPS Act.

The scanned copy of case record is placed before the Court.

The case relates to recovery and seizure of 599 grams of heroin contained in 43 nos. of soap cases from the house of the accused petitioner.

It is noticed that the accused petitioner has been in judicial custody since 09.07.2021, that is, for 760 days.

Perusal of the case record shows that the learned trial Court framed charges under Sections 22(C)/29 of the NDPS Act against the accused petitioner and 3(three) others vide order, dated 03.12.2021. Thereafter, out of the listed 11(eleven) prosecution witnesses 9(nine) P.Ws have already been examined by the learned trial Court.

Therefore, this Court is of the opinion that although there is a bar under Section 37 of the N.D.P.S. Act in granting bail to accused in matters involving commercial quantity of drugs, if the accused petitioner, who is a permanent resident under Paltan Bazar P.S. and has been in judicial custody for the last 760 days, is released on bail, the remaining part of 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 sureties of like amount to the satisfaction of the learned **Special Judge (NDPS Act), Kamrup(M), 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 them from disclosing such facts to the Court; and
- iii) That the accused petitioner shall refrain from committing any offences similar to the one of which he is accused.

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