

GAHC010136852023



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

Case No. : Bail Appln./2198/2023

NEERAJ KUMAR
S/O SHRI SURESH MAHATO
R/O VILL- MOHKHUTI, P.O. SARAIHAJAN
P.S. BOKAJAN
DIST. KARBI ANGLONG, ASSAM, PIN-782480

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. P D NAIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 27.07.2023

Heard Mr. P.D. Nair, learned counsel for the accused petitioner as well as Mr. B.B Gogoi, learned Addl. Public Prosecutor for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Neeraj Kumar** has prayed for grant of bail in connection with **Special (N) Case No.26/2022**

(arising out of Simaluguri GRPS Case No. 06/2022) under Sections 21 (C) of the NDPS Act.

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

The FIR reveals the allegation that 340.23 grams of heroin has been seized from the possession of the accused petitioner at PF/ No. 2, SLGR Railway Station.

It is noticed that the accused petitioner is in judicial custody since 25.06.2022, i.e. for 397 days.

The FSL report shows that the sample of seized substance gave positive tests for heroin.

Perusal of the case record reveals that a charge under Section 21 (C) of the NDPS Act was framed against the accused petitioner vide order, dated 09.12.2022. Thereafter, 06(six) prosecution witnesses, out of listed 10(ten) witnesses, are examined in the case.

There is *prima facie* material, subject however, to final outcome in trial.

The accused petitioner is a permanent resident under Bokajan Police Station and as such, this Court is of the opinion that there is no possibility of him fleeing from trial and repeating commission of similar offence.

Therefore, despite the bar contained in Section 37 of the NDPS Act, the accused may be granted the liberty of bail.

Accordingly, it is provided that the accused petitioner, named above shall be released on furnishing bail bond of **Rs. 1,00,000/- (Rupees One Lakh)** with **2(two) sureties** of like amount to the satisfaction of the learned **Special Judge (NDPS Act), Sivasagar**, 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 any of the remaining prosecution

witnesses;

- iii) That the accused petitioner shall refrain from committing any similar offences in future, of which he is accused 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 Court below 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