

GAHC010152432023



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

Case No. : Bail Appln./2433/2023

JHUMA SAHA
D/O JAYDEB SAHA
R/O J.C. KHAN ROAD, MANKUNDU MILAN NAGAR,
P.S. BHARDRESWAR
DIST. HOOGLY, WEST BENGAL.

VERSUS

THE STATE OF ASSAM
TO BE REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A AHMED

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

03.08.2023

Heard Mr. A. Ahmed, learned counsel for the accused petitioner. Also heard Mr. B.B. Gogoi, learned Addl. Public Prosecutor, Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused petitioner, namely

Mrs. Jhuma Saha has prayed for grant of bail in connection with **NDPS Case No.39/2023** pending in the Court of learned Addl. Sessions Judge No.2, Kamrup(M) arising out of **Guwahati G.R.P.S. Case No.147/2022** under Sections **20(b) (ii)(C)/29** of the NDPS Act.

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

The case relates to recovery and seizure of 104.260 kg. of ganja from train No.12423 DN (Rajdhani Express).

It is noticed that the accused petitioner has been in judicial custody since 01.11.2022, that is, for 277 days.

The seizure list shows that one blue colour vivo mobile handset along with sim card and one electronic reservation seat (ERS) bearing PNR No.6610971877 in the name of the accused petitioner was seized from her possession.

Perusal of the case record shows that the learned trial Court framed charges under Sections 20(b)(ii)(C)/29 of the NDPS Act against the accused petitioner and 3(three) others vide order, dated 08.06.2023. Thereafter, no P.W. is examined till date.

Keeping in consideration that no contraband items were recovered and seized from the exclusive possession of the accused petitioner, who is a lady, while travelling in train as passenger, this Court prima finds no reasonable ground to believe that she is guilty of the offences subject, however, to final outcome in trial and therefore, she can be released on bail subject to conditions.

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 any of the listed witnesses, who are acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court;
- iii) That the accused petitioner shall refrain from committing any offences similar to the one of which she is suspected of commission;
- 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; and
- v) That the accused petitioner and her bailors shall produce their Voter Identity Card /Passport/ Permanent Residential Certificate etc., whatever is available at the time of submission of the bail bond for satisfaction of the learned Court below regarding their identity and address and then return the same retaining photocopy thereof on record.

This disposes of the bail application.

JUDGE

Comparing Assistant