

GAHC010154262023



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

Case No. : Bail Appln./2473/2023

BIMAL RAJBHOR AND ANR
S/O LATE KANAILAL RAJBHOR
R/O VILL- GANGQUARTER, P.S. AND DIST. BONGAIGAON, ASSAM

2: SMT. RUPA DEVI
W/O KARTIC SAH
R/O VILL- GANGQUARTER
P.S. AND DIST. BONGAIGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B HALDAR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 21.07.2023

Heard Mr. B. Haldar, learned counsel for the petitioners. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State.

This bail application has been preferred under Section 439 of Code of Criminal Procedure, 1973, praying for bail of petitioners, namely, (1) Bimal Rajbor and (2) Rupa Devi, who have been detained behind the bar since 25.05.2023 (since last 58 days) in connection with Bongaigaon P. S. Case No. 216/2023 registered under Sections 21(b)/29 of the NDPS Act.

The accusation in this case is that on 24.05.2023, one Sri Suken Ghose lodged an FIR before the Officer In-charge of Bongaigaon Police Station, inter-alia, alleging that on getting information through reliable sources that the petitioner no. 1 along with one another person has been dealing with illegal drugs near Sitlamandir and accordingly a search operation was conducted and during search operation total 49.5 grams of suspected heroine was seized from the possession of the petitioner no.1.

Learned counsel for the petitioner submits that the petitioner no. 2 is not named in the FIR and the quantity of the seized suspected heroine is less than commercial quantity and they have already been detained behind the bar since last 58 days.

On the other hand, learned Additional Public Prosecutor submits that the case diary has not been arrived and the investigation is pending for the receipt of FSL report only.

I have considered the submissions made by learned counsel for both sides.

Considering the quantity of suspected heroine seized in this case as well as considering the period of detention undergone by the petitioners, further considering the fact that the investigation is pending only for FSL report, further custodial detention of the petitioners do not appear to be necessary for fair completion of the fair completion of the investigation of this case.

In view of the above, the petitioners, namely, (1) Bimal Rajbor and (2) Rupa Devi, are hereby directed to go on bail on furnishing of bail bond of Rs. 30,000/- (Rupees Thirty Thousand only) each with one surety of like amount to the satisfaction of the learned Special Judge, Bongaigaon with the condition that :

1. That the petitioners shall co-operate with the Investigating Officer of the said case.
2. That the petitioners shall 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 or her from disclosing such facts to the Investigating Officer of this case.

With the above observations, this bail application is accordingly disposed of.

JUDGE

Comparing Assistant