

GAHC010170792023



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

Case No. : Bail Appln./2744/2023

PRASANJIT GIRI
S/O ANANDA CH. GIRI
R/O VILL- ARABINDA NAGAR,
P.O. PURATHAL, RAJNAGAR
PS. BISHALGARH
DIST. SIPAHIJALA, TRIPURA-799102

VERSUS

UNION OF INDIA
REP. BY THE STANDING COUNSEL, NARCOTICS CONTROL BUREAU.

Advocate for the Petitioner : MR. D BHATTACHARJEE

Advocate for the Respondent : SC, NCB

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 30.08.2023

Heard Mr. D. Bhattacharjee, learned counsel for the petitioner. Also heard Mr. S. C. Keyal, learned Standing Counsel, NCB.

By this petition under Section 439 Cr.P.C., the petitioner, namely, **Prasanjit Giri**, has prayed for grant of bail in connection with **NCB Crime No. 05/2023** u/s **8(c)**, read with Sections **20(b)(ii)(C)/29** of the NDPS Act.

The status report is placed before the Court by Mr. S. C. Keyal, learned Standing

Counsel, NCB.

It is noticed that the accused petitioner is behind the bar since 18.03.2023, i.e. for 165 days.

Mr. Bhattacharjee, learned counsel appearing for the accused petitioner, submits that the accused, who is aged about 24 years, has been languishing in jail for 165 days based on inadmissible voluntary statement of the co-accused recorded under Section 67(c) of the NDPS Act. Mr. Bhattacharjee further submits that the accused is the driver and owner of the seized vehicle (Maruti Suzuki Celerio Car), which was hired by Debu Debnath to travel from Tripura to Guwahati and back for Rs. 10,000/- only. The accused had no knowledge about *ganja* trafficking and no such *ganja* was recovered from his vehicle or personal possession.

Per contra, Mr. S. C. Keyal, learned Standing Counsel, NCB, submits that 119.62 kgs of *ganja* was recovered from the specially made cavity of roof top of Mahindra Savari vehicle. Mr. Keyal further submits that the investigation reveals abundance of clear implicating evidence against the accused and he used his Maruti vehicle to escort the said *ganja* loaded vehicle. Thus, Mr. Keyal submits that he was an accomplice, who in association with co-accused planned and executed transportation of huge quantity of *ganja*.

The F.I.R. reveals the allegation of recovery and seizure of 119.62 kgs of *ganja* from the specially made cavity of roof top of Mahindra Savari vehicle, bearing registration No. TR-01-B4290.

The above mentioned seized quantity of *ganja* amounts to commercial quantity under the NDPS Act. The chemical examination report on its sample submitted by the CFSL shows that the same tested for cannabis (*ganja*).

The investigation is yet to be completed. However, the evidence, so far collected Investigating Officer, reveals various incriminating *prima facie* evidence against the accused petitioner. This Court is, therefore, of the opinion that it cannot be said, at the

present stage of investigation, that the accused petitioner was not consciously involved in the trafficking of *ganja* in connivance with the co-accused persons and that he will not repeat commission of similar offence while on bail if granted.

Therefore, in the backdrop of facts and circumstances and the bar contained in Section 37 of the NDPS Act, the bail application of the accused petitioner cannot be allowed.

Accordingly, the bail application stands rejected.

This disposes of the bail application.

JUDGE

Comparing Assistant