

GAHC010177672023



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

Case No. : Bail Appln./2881/2023

RAJANI KANTA RABHA
S/O LATE PAKHI RAM RABHA
VILL- BHOLAGURI
P.O. KOIRABARI
P.S. KOIRABARI
DIST. UDALGURI (BTR)

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 21.08.2023

Heard Ms. T Som, learned Counsel for the accused petitioner as well as Mr. B.Sarma, learned Additional Public Prosecutor.

By this petition under Section 439 Cr.P.C., the accused-petitioner, namely, **Rajani Kanta Rabha** has prayed for grant of bail in connection with **Special NDPS Case No. 55/2022**

pending in the court of learned Additional Sessions Judge, Kamrup, Amingaon (arising out of Changsari No.228/2022) under Sections **20(B) (II) (C)** of the NDPS Act.

It is noticed that the accused petitioner has been in judicial custody since 11.06.2022, i.e. for 450 days.

Ms. T Som, learned Counsel for the accused petitioner submits that the accused has been behind the bar since 11.06.2022, i.e. for 450 days. Ms. Som further submits that co-accused has already been released on bail by this Court vide order, dated 04.08.2023 in Bail Application 1859/2023. Ms. Som further submits that considering the length of detention, his prayer for bail may be considered favourably.

The case relates to recovery and seizure of 25 Kgs of Ganja from the possession of the accused petitioner and two other persons.

Having heard the learned counsel for parties and on perusal of the averments made in the application along with documents annexed therewith and as the co-accused has already been released on bail, maintaining parity in the order, this Court finds that further detention of the accused petitioner may not be necessary in the interest of the ongoing trial of the case.

The accused petitioner is a permanent resident under Koirabari Police Station, Dist-Udalguri (BTR), Assam.

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 02(two) sureties of like amount to the satisfaction of the learned **Special Judge (NDPS Act), Kamrup , Amingaon** 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 witness who are acquainted with the facts of the case so as to

dissuade him from disclosing such facts to the Court;

- iii) That the accused petitioner shall refrain from committing any similar offences in future of which he is accused of commission; and
- iv) That one of the two sureties must be a government servant subject to verification of the relevant documents and the learned Court below shall return the aforesaid documents after such verification retaining legible scanned copy thereof on record.

Be it mentioned that no observation made in course of this bail order shall have any bearing in the judicial discretion of the learned trial Court.

Breach of any of the above condition shall render cancellation of the bail in accordance with law.

This disposes of the bail application.

JUDGE

Comparing Assistant