

GAHC010215672023



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

Case No. : Bail Appln./3385/2023

DINA SANGSON NARAH
W/O MR. DIPEN NARAH
R/O RUPNAGAR, SONAPUR
P.S. SONAPUR
DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. D BHUYAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 16.10.2023

Heard Mr. D Bhuyan, learned counsel for the accused/petitioner. Also heard Mr. B Sarma, learned Additional Public Prosecutor for the State.

This is an application made under Section 439 Cr.P.C., seeking bail by the accused-petitioner, namely, **Dina Sangson Narah** in connection with **NDPS Case No. 14/2022**(arising out of Borpathar P.S. Case No. 75/2021) (GR No. 604/2021) under Section

21 © / 29 of the NDPS Act pending in the court of learned District and Sessions Judge, Karbi Anglong.

The scanned copy of case records is received.

The case relates to recovery and seizure of 330.49 grams of suspected heroin from the possession of the accused petitioner and another.

The accused petitioner is in judicial custody since 29.11.2021, that is, for 686 today.

A perusal of the case record reveals that the learned Trial Court framed charge under Section 21 (c)/29 of the N.D.P.S. Act against the accused petitioner and two other co-accused persons, vide order, dated 11.04.2022. Thereafter, the learned Trial Court has examined 3 (three) prosecution witnesses, out of listed 6 (six) witnesses. The case record, as a whole, reveals that the contraband item that was recovered and seized amounts to commercial quantity under the N.D.P.S. Act.

It is seen that two co-accused persons have been granted bail by this Court in Bail Application 1826/2023 vide order, dated 28.08.2023 and in Bail Application 3025/2023 vide order, dated 20.09.2023.

This Court is of the opinion that although there is bar under Section 37 of the N.D.P.S. Act in granting bail to accused in matters involving commercial quantity in view of the mandate under Article 21 of the Constitution of India and considering the fact that the accused petitioner, who is a permanent resident under Sonapur P.S., District-Kamrup, if she is released on bail, there is no chance of her jumping the trial of the case.

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), Karbi Anglong, Diphu** 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 the remaining prosecution witnesses, who are acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court; and

(iii) That the accused petitioner shall refrain from committing any offences similar to the one of which she is accused of commission.

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

This disposes of the bail application.

JUDGE

Comparing Assistant