

GAHC010249122023



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

Case No. : Bail Appln./4005/2023

TRAILUKKYA DAS AND ANR.
S/O UMESH DAS
R/O HAJO TETELIA
P.S. HAJO DIST. KAMRUP (R), ASSAM

2: SRI BISWAJIT KALITA
S/O LATE BHUBAN KALITA
R/O HAJO TETELIA
P.S. HAJO DIST. KAMRUP (R) ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. U K BARMAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 08.11.2023

Heard Mr. U. K. Barman, learned counsel appearing for the accused petitioners as well as Mr. B. B. Gogoi, learned Addl. P.P., Assam appearing for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioners, namely, **1. Sri Trailukkya Das, 2. Sri Biswajit Kalita**, have prayed for grant of bail in connection with **NDPS Case No. 211/2022 (Garchuk P.S. Case No. 168/2022)** under Sections **20(C)/29** of the NDPS Act.

The scanned copy of the case record, as called for, is placed before the Court.

It is noticed that the accused petitioners have been in judicial custody since 28.05.2022, i.e. for 530 days.

The case relates to recovery and seizure of cannabis (*ganja*), weighing 28.974 kg from the possession of the FIR named accused persons.

A perusal of the case record reveals that the learned Trial Court framed charge under Section 20(C)/29 of the N.D.P.S. Act against all the accused persons for illegally possessing 28.974 kg of cannabis, vide order, dated 14.12.2022. Thereafter, the learned Trial Court has examined 1 prosecution witness, out of listed 8 witnesses.

Having heard the learned counsel for both sides and on perusal of the case records as well as considering the length of detention in judicial custody, this Court is of the opinion that further continuation of detention of the accused in the interest of ongoing trial is not warranted.

Accordingly, it is provided that each of the accused petitioners, named above, shall be released on bail of **Rs. 1 Lakh** each with 2 (two) sureties of like amount to the satisfaction of the **learned Special Judge (NDPS Act), Kamrup (M) at Guwahati** subject to the following conditions-

- i) That the accused petitioners 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; and
- ii) That the accused petitioners shall not directly or indirectly make any inducement, threat or promise to any of the remaining prosecution

witnesses; and

- iii) That the accused petitioners shall refrain from committing any similar offences in future, of which they are suspected of commission; and
- 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.

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

This disposes of the bail application.

JUDGE

Comparing Assistant