

GAHC010257702023



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

Case No. : Bail Appln./4172/2023

BEDANTA DAS
S/O LATE RAMEN DAS
A RESIDENT OF 70 M.G. ROAD, UZAN BAZAR,
WARD NO. 34, P.O. UZAN BAZAR, P.S. LATASIL, DIST. KAMRUP (M), ASSAM
PIN-781001

VERSUS

THE UNION OF INDIA
REP. BY THE NARCOTICS CONTROL BUREAU (NCB)

Advocate for the Petitioner : MR. D DAS SR. ADV

Advocate for the Respondent : SC, NCB

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

18.11.2023

Heard Mr. D. Das, learned Senior Counsel assisted by Mr. J. Borah, learned counsel for the accused and Mr. S.C. Keyal, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused persons namely, **Sri Bedanta Das**, who has been languishing in jail hazot, in connection with the **NCB Crime No. 16/2023**, under Section 8[C] read with Sections 20[b][iii][A]/21[b]/29 of the NDPS Act, for granting bail.

3. The said case has been registered on the basis of information furnished by one Mohan Roy, Intelligence Officer NCB, on 27.09.2023.

The essence of allegations against the accused is that on 26.09.2023, at about 9:30 hours, acting on a tip off, the NCB team arrived at Shri Tirupati Courier Service, Solapara Road, Panbazar, Kamrup [M] at Guwahati and intercepted 2 parcels with tracking ID No. 191100030995 and 191100030997, containing 65 gms of suspected Cocaine and two persons namely, Bedanta Das and Amrit Jain who came to Shri Tirupati Courier Service to receive the parcel having tracking ID No. 191100030995 and they have confessed that the consignee of the parcel having tracking ID No. 191100030997, may be Dipak Bhatia and Bilkish Amin, of Sonia Enclave Geetanagar, Guwahati. Thereafter, the NCB team conducted search in the Flat No. 5C of Sonia Enclave, Geetanagar, Guwahati and apprehended two persons namely, Dipal Bhatia and Bilkish Amin and seized 5.33 gms of suspected Chanas with 19.92 gms unknown substance from their possession and arrested them.

4. Mr. Das, learned Senior Counsel for the accused submits that the accused person was arrested on 26.09.2023, and since then he has been languishing in jail hazoot for last 52 days. Mr. Das further submits that the quantity of contraband substance recovered from the possession of the accused is of intermediate quantity i.e. 30 gms and except the statement under Section 67 of the NDPS Act no other material is available against the accused. Mr. Das

also submits that the co-accused persons have already been enlarged on bail by the learned trial court and therefore, it is contended to allow the petition.

5. On the other hand, Mr. Keyal, learned Standing Counsel, NCB by producing the case diary before this Court submits that there are sufficient incriminating materials, to show the complicity of the accused with the alleged offence. Mr. Keyal further submits that the offences are serious in nature and that the FSL report has already been received, which confirmed that the contraband substance recovered from the accused is Cocaine and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the case diary with the assistance of Mr. Keyal, learned Standing Counsel, NCB.

7. The case diary indicates that contraband substance recovered from the possession of the accused is of intermediate quantity. It further appears that the IO has achieved substantial progress in the investigation and he has collected the FSL report and the material part of investigation is almost over. It also appears that the co-accused persons have already enlarged on bail by the learned trial court.

8. In view of the nature and gravity of the offence and balancing the period of detention, this Court is of the considered view that the custodial detention of the accused seems to be unwarranted here in this case. Therefore, this Court is inclined to allow this petition and accordingly, it is provided that on furnishing a bond of Rs. 50,000/- only each, with one surety of like amount to the satisfaction of the learned **Special Judge, NDPS Act, Kamrup [M] at Guwahati**, the accused persons be enlarged on bail.

- 9.** In terms of above, this bail application stands disposed of.
- 10.** The case diary be returned.

JUDGE

Comparing Assistant