

GAHC010265952023



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

Case No. : Bail Appln./4330/2023

NARUTAM RABHA
S/O- SRI NIRANJAN RABHA, VILLAGE- DUWAMOKHA, P.S. HARISINGA,
DISTRICT- UDALGURI (BTAD), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY P.P., ASSAM

Advocate for the Petitioner : MR. U J SAIKIA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

15.12.2023

Heard Mr. U.J. Saikia, learned counsel for the petitioner. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor, appearing for the State of Assam.

This application under Section 439 of the Code of Criminal Procedure,

1973 has been filed by the petitioner, namely, Sri Narutam Rabha, who has been detained behind the bars since 11.11.2023 (for last 34 days) in connection with Dalgaon P.S. Case No. 378/2023 under Section 20(b)(ii)(B)/29 of the NDPS Act, 1985.

The gist of accusation against the present petitioner is that on 12.11.2023, one Sri Kulendra Malia, S.I. of Police had lodged an FIR before the Officer-In-Charge of Dalgaon Police Station, *inter-alia*, alleging that on receipt of secret information through reliable sources, the informant, who is the S.I. of Police, along with his colleagues conducted a Naka Checking during which they intercepted a scooty bearing Registration No. AS27D0665 on which two persons were riding and the petitioner was riding pillion, and on search of the said scooty one yellow colour plastic bag was found containing 4.9 kg of suspected ganga.

Learned counsel for the petitioner submits that he is not involved in the offence alleged in the FIR against him.

It is submitted by the learned counsel for the petitioner that on the date of incident, the petitioner just accompanied one of his friends, namely, Rahul Daimari in the scooty which belongs to one Maikoni Daimari, who is the cousin sister of Rahul Daimari, and he was not aware that the seized contraband was there in the said scooter.

It is submitted by the learned counsel for the petitioner that the petitioner is the victim of such instances and nothing was found from his possession. He was only riding on the said scooter without knowing that there is contraband in the said vehicle.

The learned counsel for the petitioner has also submitted that the petitioner has completed his Hotel Management Studies and has been appointed

Guest Service Associate (Housekeeping Department) at Avadh Clubs Limited (Avadh Utopia) at Surat in the State of Gujarat and he was required to join by 28th of November, 2023.

The learned counsel for the petitioner has further submitted that the petitioner is a local resident of Udalguri and he has already been detained behind the bars for last 34 days and considering the period of detention, he may be allowed to go on bail.

On the other hand, learned Additional Public Prosecutor has produced the case diary of Dalgaon P.S. Case No. 378/2023 and has submitted that the investigation has fairly progressed and it appears from the materials in the case diary that the main accused in this case is one Rahul Daimari.

Considering the submissions made by the learned counsel for both the sides and considering the fact that the petitioner has been already detained behind the bars for last 34 days as well as the progress made in the investigation, further custodial detention of the present petitioner may not be necessary for fair completion of the investigation of Dalgaon P.S. Case No. 378/2023.

In view of above, the above named petitioner is hereby allowed to go on bail of Rs. 30,000/- with a suitable surety of like amount to the satisfaction of the learned Chief Judicial Magistrate, Darrang with conditions that:-

(i) the petitioner shall appear before the Investigating Officer of Dalgaon P.S. Case No. 378/2023 as and when required by the Investigating Officer for the sake of fair completion of investigation of the case; and

(ii) the petitioner shall not directly or indirectly make any inducement threat or promise to the informant or to any other persons who may be acquainted with the facts of the case so as to dissuade such person from

disclosing such facts before the Investigating Officer or to any Court.

With the above observations, this bail application is hereby disposed of.

Send back the case diary.

JUDGE

Comparing Assistant