

GAHC010281952023



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

Case No. : Bail Appln./4517/2023

JUGANTA DAS @ HITLER AND ANR
S/O BENUDAR DAS
R/O HARMOTI
P.S. LALUK
DIST. LAKHIMPUR, ASSAM

2: BISHNU PD. PEGU @ MUKUNDA
S/O SRI NABIN PEGU
R/O HARMOTI, P.S. LALUK
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. K BORUAH

Advocate for the Respondent : PP, ASSAM

- B E F O R E -

HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

22.12.2023

Heard Mr. M. Alam, learned counsel for the petitioners. Also heard Mr. K.K. Parashar, learned Additional Public Prosecutor, Assam.

This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioners, namely, (1) Juganta Das @ Hitler and (2) Bisnu Pd. Pegu @ Mukunda, who have been detained behind the bars since 11.11.2023 (for last 41 days) in connection with Laluk P.S. Case No.214/2023 under Sections 21(b)/29 of the NDPS Act, 1985.

The gist of the accusation in this case is that on 11.11.2023, one Bishnu Deuri, SI of Police, Banderdewa Police Out Post had lodged an FIR before the Officer-In- Charge of Laluk Police Station, *inter-alia*, alleging that on 10.11.2023, on receipt of information from reliable sources, a *naka* checking was conducted near Harmoti market and there the petitioner No.1, namely, Juganta Das @ Hitler was apprehended and 20 Nos. of plastic containers containing orange coloured powdery substance suspected to be Heroin weighing 22.91 gram was seized from his possession. Thereafter the petitioner No.2, namely, Bishnu Pd. Pegu @ Mukunda was also arrested and 6 Nos. of Plastic containers containing suspected heroin weighing about 6.92 gram was seized from his possession.

Learned counsel for the petitioners has submitted that the quantity of the contrabands seized from the possession of the present petitioners is less than commercial quantity and considering the period of detention already undergone i.e. 41 days, they may be allowed to go on bail.

On the other hand, learned Additional Public Prosecutor has placed the case diary of Laluk P.S. Case No.214/2023 and has submitted that there are sufficient incriminating materials against both the petitioners. He has also submitted that the investigation has been fairly progressed and is pending only for the receipt of FSL report.

Considering the submissions made by the learned counsel for both the

sides as well as considering the fact that the investigation has fairly progressed and as the petitioners have been detained behind the bars for last 41 days, their further custodial detention does not appear to be necessary for fair completion of the investigation of the case.

Hence, the petitioners, namely, Juganta Das @ Hitler and Bishnu Pd. Pegu @ Mukunda are hereby allowed to go on bail of Rs.30,000/- each with one surety of like amount, subject to the satisfaction of the learned Chief Judicial Magistrate, Lakhimpur, North Lakhimpur with the following conditions:

- (i) That the petitioners shall cooperate in their trial and shall appear before the learned Trial Court as and when required by the learned Trial Court.
- (ii) That the petitioners shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade any person from disclosing such facts of the case before the Investigating Officer.

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

JUDGE

Comparing Assistant