

GAHC020001012023



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

Case No. : AB/4/2023

SHRI. NEIKHROLO LASUH
S/O LHITSOZU LASUH,
RESIDENT OF HOUSE NO.1,
NETAJI COLONY, DIMAPUR, NAGALAND

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE JUNIOR INTELLIGENCE OFFICER, NARCOTICS
CONTROL BUREAU,
GUWAHATI ZONAL UNIT, 03 RUPKONWAR PATH, VIP ROAD, CHACHAL,
KHANAPARA, GUWAHATI, ASSAM, PIN - 781022.
EMAIL - GHTZU-NCB@NIC.IN

Advocate for the Petitioner : JOSHUA SHEQI

Advocate for the Respondent :

**BEFORE
HON'BLE MR. JUSTICE NELSON SAILO**

ORDER

28.03.2023

Heard Mr. Joshua Sheqi, learned counsel for the petitioner,
who submits that by filing this application under Section 438 Cr.PC,
the petitioner prays for grant of Anticipatory Bail as he apprehends

his arrest in connection with registration of Narcotic Control Bureau Crime No. 02/2023 under Section 8 (c) read with Section 20(b)(ii) (c) and Section 29 of the ND&PS Act, 1985.

[2.] The learned counsel submits that the petitioner is a man of standing and is currently serving as the G.B of Netaji Colony, Dimapur. He was surprised to receive the summon dated 14.03.2023 from the office of the Narcotic Control Bureau, Guwahati, Assam issued under Section 67(c) of the ND&PS Act asking him to appear on 28th March, 2023 at 10 AM before the office of the Narcotic Control Bureau, Guwahati. The summon is related to the arrest of 2 (two) persons in connection with seizure of 570.807 kg of Ganja at Guwahati. The 2 (two) persons were arrested in connection with the seizure and during the investigation it is alleged that the contact number of the petitioner is found in the contact list of one of the alleged accused persons. Hence, the summon.

[3.] The learned counsel submits that the petitioner has been undergoing medical treatment for the last 2 (two) years on being diagnosed with severe and uncontrolled Diabetes and Pulmonary Tuberculosis (TB). On account of his health condition, the petitioner is not in a condition to travel immediately although he is willing to cooperate with the investigation. The learned counsel submits that

unless some protection is granted to the petitioner, the petitioner is bound to suffer irreparable loss and injury, he being a public figure in his locality.

[4.] The learned counsel further submits that since the summon has been issued by the Narcotic Control Bureau, the Court having jurisdiction of the matter admittedly would be at Guwahati but since the petitioner is a permanent resident of Dimapur in the State of Nagaland, he may be granted transit Anticipatory Bail so that the petitioner can have sufficient time and opportunity to secure Anticipatory Bail from the Court having the jurisdiction. In support of his submission, he relies upon the following authorities:-

*(1) Amita Garg and Others -Vs- State of U.P and Others
2022 Criminal Law Journal 3350.*

*(2) Nikita Jacob -Vs- State of Maharashtra 2021 SCC
Online Bombay 13919.*

[5.] I have heard the learned counsel for the petitioner and I have perused the materials available on record including the authorities relied upon by him. The petitioner admittedly appears to be a permanent resident of Dimapur and also the G.B of Netaji Colony. Supporting Certificates regarding the health condition of the petitioner has also been annexed to the petition. The Narcotic Control Bureau, Guwahati had issue notice under Section 67(c) of

the ND&PS Act requiring the appearance of the petitioner in connection with the registration of the case and the investigation going on has already been referred to herein above. The said provision of law empowers the Investigating Authority to call for the relevant materials and also the person from whom information regarding the investigation can be obtained. The petitioner otherwise also contends that he is willing to cooperate with the investigation but for his health condition and the apprehension that he would be arrested. The High Court of Allahabad in *Amita Garg and Others* (supra) in the given facts of that case observed that the regular Court should consider granting of Anticipatory Bail on its own merit but it was also not impermissible to grant transit bail as a temporary relief to the accused person for a certain period of time so that he or she can apply for Anticipatory Bail in the regular Court. Accordingly, by relying upon the case of *Nikita Jacob* (supra), the High Court of Allahabad granted the protection of interim transit bail for a period of 4 (four) weeks so as to enable the applicant to approach the competent Court for seeking appropriate relief.

[6.] Thus upon having regard to the above decision, I am of the considered view that the petitioner made out a case for grant of interim transit bail. Accordingly, it is hereby directed that in the event of the arrest of the petitioner in connection with the above

noted case, he shall be released on transit bail on execution of personal bond of Rs. 50,000/- with 1 surety of like amount to the satisfaction of the Arresting Authority. The protection is granted for a period of 4 (four) weeks from the date of this order to enable the petitioner to approach the competent Court for seeking appropriate relief.

[7.] The petition is accordingly disposed of as allowed.

Sd/-

JUDGE

Comparing Assistant