

GAHC040001782024



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

Case No. : AB/22/2024

Taba Yajo
Wife of Shri Taba Tagia, a permanent resident of Gohpur near Gas Agency Chimpur,
PO R K Mission, PS Chimpur, Papumpare District, Arunachal Pradesh

VERSUS

The State of AP
represented through the PP of AP

Advocate for the Petitioner : A Timung

Advocate for the Respondent : P P of AP

BEFORE
HONBLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

Date : 11-03-2024

This is a common order for these 2(two) items.

Heard Mr. R. Karga, the learned counsel for the petitioners and
Mr. T. Ete, the learned Additional Public Prosecutor for the State of

Arunachal Pradesh.

Smti Gaide Muchahari has prayed for releasing her on bail under Section 439 of the Cr.P.C in respect of Chimpu P.S. Case No. 85/2023, under Sections 20(b)(ii)(B)/27(A) and 29 of NDPS Act.

For the same Police Station case No.85/2023, Smti Taba Yajo has prayed for anticipatory bail under Section 438 of the Cr.P.C.

On 20.12.2023, a police searched a shop which was suspected to be used for selling Narcotic drugs. The search continued to the house of the shop owner, Smti Taba Yajo. Commercial quantity of *Ganja* ("cannabis") and some other drugs related goods were recovered.

On behalf of Smti Gaide Muchahari, it has been canvassed that she has already spend a considerable time in custody and therefore, she should be released on bail.

For the petitioner, Smti Taba Yajo it has been submitted that she is ready to cooperate with the police investigation and therefore, she need not be arrest.

Mr. T. Ete, the learned Additional Public Prosecutor has objected to the bail prayers invoking the provision of law as laid

down in the Section of 37 of the NDPS Act. Further, he has relied upon the decision of the Hon'ble Supreme Court that was rendered in **(2001) 7 SCC 673** and another decision of Kerala High Court that was reported in **(2020) 3 ILR(Ker) 879**.

I have considered the submissions of the learned counsel of both sides.

Commercial quantities of narcotic drugs were recovered in these cases. I am of the considered opinion that both the petitioners have failed to show sufficient satisfactory reasons for allowing their bail prayers. Therefore, the bail prayers are rejected and bail applications are disposed of, accordingly.

Case diary shall be returned.

JUDGE

Comparing Assistant