

GAHC040007272024



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

Case No. : BA/57/2024

Miss Preety Moyong
Daughter of Late Nokul Moyong, permanent resident of Village 2nd Mile Namsai, PO
and PS Namsai, presently residing at Polo Colony, PO and PS Naharlagun, District
Papumpare, Arunachal Pradesh

VERSUS

The State of Arunachal Pradesh
through the PP of AP

Advocate for the Petitioner : Pritam Taffo

Advocate for the Respondent : P P of AP

**BEFORE
HONBLE MR. JUSTICE BUDI HABUNG**

ORDER

Date : 19.06.2024

Heard Mr. P. Taffo, learned counsel for the petitioner. Also heard Ms. T. Jini, learned Additional Public Prosecutor for the State respondent.

2. This is an application under Section 439 of Cr.P.C, 1973, praying for grant of bail to the alleged accused, namely, **Smti Ponung Moyong**, who has been arrested in connection with Naharlagun P.S. Case No. 31/2024 under Sections 21(b)/27/29 of NDPS, Act, 1985.

3. Vide an order dated 07.06.2024, the Case Diary was called for and accordingly, Ms. L. Hage, learned Additional Public Prosecutor has produced the Case Diary and I have perused the same. However, during the pendency of this bail application, the mandatory period of 60(sixty) days for filing the charge-sheet by the police has expired on 09.06.2024 as the present accused/petitioner was arrested on 09.04.2024 and the police has failed to submit charge-sheet into the case as required under the law.

4. Hence, the petitioner filed I.A(Crl) No. 56(AP) 2024, praying for release of the accused on default bail under the provisions of Sections 167(2)(a)(ii) of Cr.P.C.

5. The record reveals that the accused person was arrested on 09.04.2024 in connection with Naharlagun P.S. Case No. 31/2024 and since then the accused/petitioner has spent about 70(seventy) days inside the police/judicial custody and the police has failed to submit charge-sheet into the case till date. Under the circumstances, the accused/petitioner is entitled to be considered for her released on bail under the provision of Sections 167(2)(a)(ii) of Cr.P.C, if she is ready to furnish the bail. In the instant case, the accused/petitioner is ready and willing to furnish an adequate bond, surety and security for her release on bail. Under the circumstances, the accused has an indefeasible right to be considered for her released on bail, and the Court cannot exercise its discretion in this regard.

6. In view of the fact and circumstances as stated above and the provisions of law, this bail application is allowed. The accused **Smti Ponung Moyong** is directed to be released on bail on execution of a bail bond of Rs. 25,000/- with 2(two) sureties of like amounts to the satisfaction of the learned Special Judge, NDPS, Yupia subject to the following conditions:

1. That the accused shall cooperate and appear before the I.O of the case, as and when, called for;
2. That the accused shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the

facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

3. That the accused shall not commit an offence similar to the offence of which she is accused, or suspected of commission.

7. With the above observation, bail application stands allowed and disposed of.

JUDGE

Comparing Assistant