

GAHC040008612024



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

Case No. : BA/73/2024

Joram Jack
Son of Shri Joram Tati, resident of F and G Sector, Itanagar, PO RK Mission, PS
Itanagar, Papumpare District, Arunachal Pradesh and permanent resident of Village
Holongi, PO and PS Balijan, Papumpare District, Arunachal Pradesh

VERSUS

The State of AP
represented by the PP of AP

Advocate for the Petitioner : Joram Mebi

Advocate for the Respondent : Mr. T. Ete, P P of AP

BEFORE
HONBLE MRS. JUSTICE MARLI VANKUNG

ORDER

Date : 24-07-2024

Heard Mr. J. Mebi, learned counsel for the petitioner. Also heard Mr. T. Ete, learned Additional Public Prosecutor for the State respondent.

This is an application filed under Section 439 of the Criminal Procedure Code for release of the accused on bail.

The learned counsel for the petitioner submits that the accused was

arrested on 22.05.2024 at around 1:30 PM on the basis of a verbal information received by the Naharlagun Police Station that one person namely, Ms. Anu Riba was in possession of Heroin and was selling it off from the resident of the accused. When the Police entered the house of the accused, they found 25 grams of suspected contraband Heroin along with used syringe, a soap cases and cash of Rs. 3510/- kept inside a bag which was said to belong to the mentioned Ms. Anu Riba. Two other female friends of Ms. Anu Riba were also in the room. Accordingly, the Officer-in-Charge of Naharlagun Police Station lodged the FIR and registered the case being Naharlagun Police Station Case No. 55/2024 under Section 21(b)/25/27 and 29 of the NDPS Act against the accused and the three other persons who were said to be drug abusers.

The learned counsel for the petitioner submits that the accused Joram Taluk was innocent of the charge under Section 21(b)/25/27 and 29 of the NDPS Act since the contraband substance was not seized from his possession but from the bag belonging to the lady named Ms. Anu Riba. He further submits that two other girls were also in the room and that the accused Joram Jack, who was working as a Security Guard had allowed the girls to come into his room on their request. The learned counsel submits that the accused Joram Taluk did not know anything about the history of the said girls nor did he know that they were in possession of the contraband substance or that they were consumers of the said drugs. The learned counsel further submits that the quantity of the seized contraband substance was only 25 grams which was seized from the bag of the person named Ms. Anu Riba and prayed that the accused Joram Taluk may be granted bail since he has been kept in Judicial custody till date for an offence not committed by him.

Mr. T. Ete, learned Additional Public Prosecutor in all fairness has not raised

any objection to the grant of bail to the accused Joram Taluk, submitting that, on perusal of the Case Diary, it is seen that the accused was arrested on 22.05.2024 and has been in judicial custody for more than 60 days without the charge sheet being filed against him. He submits that the accused Joram Taluk is entitled to be released on default bail under Section 167 Cr.P.C. He further submits that since the accused is entitled to default bail under Section 167 Cr.P.C., he will not make any submission regarding the grounds raised for the learned counsel for the petitioner for the release of the accused Joram Taluk on bail.

I have considered the submissions made by the learned counsels for both the parties. It is seen that the accused Joram Taluk was arrested on 22.05.2024 in a case registered under Section 21(b)/25/27 and 29 of the NDPS Act and no charge sheet is filed till date, whereby the accused has been in judicial custody for over a period of 60 days, thus this court finds that he is entitled to default bail under Section 167 Cr.P.C. The accused Joram Taluk is granted bail with a bail bond of Rs. 20,000/- and with one surety of the like amount, who shall be to the satisfaction of the learned Special Judge (NDPS Act), Yupia, Arunachal Pradesh.

Accordingly, Bail. Appln. No. 73 (AP) of 2024 stands allowed and disposed of.

JUDGE

Comparing Assistant