

GAHC010000022024



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

Case No. : Bail Appln./10/2024

AMAL KISHORE AND ANR
S/O RAMPRIT RAM R/O VILL. BHUKAUL P.S SADAR DARBHANGA DIST
DARBHANGA BIHAR

2: ASHISH YADAV
S/O BANWAREE YADAV R/O VILL PATANA P.S KHANPUR DIS. GAZIPUR
UTTAR PRADES

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS. T SOM

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 08-01-2024

1. Heard Ms. T. Som for the petitioners *Amal Kishore and Ashish Yadav*.
2. The petitioners have filed this application under *Section 439 of the Code of Criminal Procedure* as he is behind bars since 27.12.2023 in connection with *Changsari Police Station Case No. 439/2023* registered under *Sections 22(c)/29*

of NDPS Act.

3. Heard Mr. R.R. Kaushik, learned Additional Public Prosecutor for the respondent State of Assam.
4. It is submitted on behalf of the petitioners that they are employees of the company and they were helping in loading and unloading the goods for the consignment. It is also submitted on behalf of the petitioners that it cannot be said that the petitioners have acted in contravention of the provisions and rules of the NDPS Act. Invoices dated 14.12.2023 has already been generated which have been billed to be shifted to R & H Pharmacy (Amosa Lallawmzuala) for the said consignment for ALCOF-CD Syrup amounting to Rs.98,560/- as well as under the purchase order dated 24.11.2023 amounting to *Rs.11,20,000.00 (Rupees Eleven Lakhs Twenty Thousand)* for codeine with triproledine syrup. The petitioners are employees of Safeexpress Private limited and they were working under the instruction of the Supervisor.
5. The learned Additional Public Prosecutor has submitted that the Supervisor has appeared before the Investigating Officer and has submitted the invoices relating to transportation of the consignment, but he was not arrested in connection with this case.
6. I have considered the submissions that the petitioners were working under the directions of the Supervisor who had already appeared before the Investigating Officer and had submitted the invoices relating to the transportation of the consignment to the consignee. The petitioners are employees of Safeexpress i.e. the transporter.
7. I have also perused the case diary.
8. The petitioners have already been interrogated and they have been

behind bars since 27.12.2023. The petitioners have made out a case to be granted bail.

9. Considering all aspects, petition is allowed.

10. The petitioners are enlarged on bail on furnishing a bail bond of *Rs.50,000/- (Rupees Fifty Thousand)* each with a local surety of like amount to the satisfaction of learned Special Judge, Kamrup under the conditions:

(1) The petitioners shall cooperate with the remaining part of the investigation;

(2) The petitioners shall not jump the bail.

11. On breach of any of the bail conditions, bail order shall stand cancelled.

12. Considering the peculiar and unique nature of this case, bail is granted and this order may not be taken as a precedent.

13. Bail Application stands disposed of in the above terms.

14. Send back the case diary.

JUDGE

Comparing Assistant