

GAHC010011412024



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

Case No. : Bail Appln./37/2024

NITU PATHAK
S/O DHARANI PATHAK
R/O BYSHKUCHI
P.S SARTHEBAEI
DIST. BARPETA
ASSAM
PERMANENT R/O DATAL PARA
P.S. FATASIL AMBARI
DIST. KAMRUP (M)
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR D MEDHI
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

01.02.2024

Heard Mr D Medhi, learned counsel for the petitioner, Nitu Pathak.

2. The petitioner has filed this application under Section 439 CrPC, with prayer for bail, as he is behind bars since 14.12.2023, in connection with Fatasil Ambari PS Case No. 314/2023, under Sections 20(b)(ii)(B)/29 of the NDPS Act
3. Heard Mr B B Gogoi, learned Additional Public Prosecutor for the State of Assam.
4. I have considered the submissions at the Bar with circumspection.
5. It is submitted on behalf of the petitioner that he is in jail since 14.12.2023.
6. I have also perused the Case Diary.
7. Investigation has progressed to a considerable extent.
8. The petitioner along with the co-accused was found in conscious possession of 11 kgs 280 grams of ganja.
9. It is submitted that the petitioner will abide by any bail conditions, if imposed upon him, in the event he may be granted bail. The petitioner is also a local resident and he is not a flight risk.
10. It appears that further custodial detention of the petitioner for the progress of investigation, may not be required.
11. Considering all aspects, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/- with a suitable surety of the like amount to the satisfaction of the learned jurisdictional Court, under the conditions that:-
 - i) the petitioner shall refrain from such activities with which he is

alleged,

ii) the petitioner shall cooperate with the investigation as well as with the trial, and,

iii) the petitioner shall not leave the jurisdiction of the Court without prior permission, till completion of trial.

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

12. Bail Application stands disposed of.

13. Send back the Case Diary.

JUDGE

Comparing Assistant