

GAHC010003512024



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

Case No. : I.A.(Crl.)/35/2024

ANURAG BORGOHAIN
S/O PULIN BORGOHAIN
R/O HABIRAM BORA PATH
P.S.- SIVASAGAR
DIST.- SIVASAGAR
ASSAM.

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P.
ASSAM.

Advocate for : MR B SHARMA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

Linked Case :Crl.A./6/2024

ANURAG BORGOHAIN
S/O PULIN BORGOHAIN,
R/O HABIRAM BORA PATH,
P.S.- SIVASAGAR, DIST.- SIVASAGAR, ASSAM.

VERSUS

THE STATE OF ASSAM

REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR B SHARMA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

23.01.2024

Heard Mr. B. Sharma, learned counsel appearing for the applicant/appellant. Also heard Mr. D. Das, learned Addl. P.P., Assam appearing for the State respondent.

2. This is an application under Section 389 of the Code of Criminal Procedure, 1973 for grant of bail and suspension of sentence passed in the judgment and order dated 28.11.2023 by the learned Special Judge, Sivasagar in Special (NDPS) Case No.28/2022 convicting the applicant under Section 21(b) of the NDPS Act and sentencing him to undergo rigorous imprisonment for a period of 1 year and to pay a fine of Rs.20,000/- (Rupees Twenty Thousand) only, in default, to undergo simple imprisonment for further period of 3(three) months.

3. I have heard the submissions made at the bar and perused the averments made in the application.

4. In view of the fact that the applicant/appellant was on bail during trial and considering the entire matter, this Court is inclined to grant bail to the applicant/appellant.

5. Accordingly, it is provided that the operation of the sentence imposed on the applicant/appellant vide judgment and order dated 28.11.2023 shall remain

suspended till disposal of the connected Criminal Appeal No. 6/2024. The applicant/appellant is allowed to remain on previous bail.

6. The direction for bail is further subject to the following conditions.

(i) That the applicant/appellant shall not leave the territorial jurisdiction of the State of Assam without prior written permission from the Court of learned jurisdictional Special Judge (NDPS Act).

(ii) That the applicant/appellant shall deposit his Passport/Visa etc., if any, in the Court of the learned jurisdictional Special Judge (NDPS Act).

7. With the above directions, the Interlocutory Application stands disposed of.

JUDGE

Comparing Assistant