

GAHC010004412024



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

Case No. : Bail Appln./122/2024

POLASH BORAH @ NINJA
S/O SRI GOPAL BORAH
R/O BVFCL NEW COLONY
SEC.F/11/849
P.S. NAMRUP
DIST. DIBRUGARH
ASSAM

VERSUS

THE STATE OF ASSAM
REP.BY THE PP
ASSAM

Advocate for : MR. B P BORAH
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 22-01-2024

1. Heard Mr. B.P. Borah, learned counsel for the petitioner *Polash Borah @ Ninja*.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure as he is behind bars since 12.12.2023 in connection with Namrup Police Station Case No. 97/2023 registered under Section 21(b)/29 of the NDPS Act, 1985.
3. Heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the respondent State of Assam.
4. It is submitted on behalf of the petitioner that the petitioner is admittedly a drug addict and he was apprehended while consuming drugs. The petitioner is ready to abide by any bail conditions to be imposed upon him.
5. The learned Additional Public Prosecutor has raised objection stating that there are incriminating materials in the case diary against the petitioner that the petitioner Polash Borah @ Ninja is a history sheeter.
6. I have considered the submissions at the bar with circumspection. The case diary reveals that investigation has progressed to a considerable extent. The petitioner has pledged to cooperate with the investigation as well as with the trial and he has pledged to abide by any bail conditions to be imposed upon him. The petitioner is a local resident and he is not a flight risk.
7. Considering all aspects, petition is allowed.
8. The petitioner is enlarged on bail on furnishing a bail bond of *Rs.50,000/- (Rupees Fifty Thousand)* with a suitable surety of like amount to the satisfaction learned Special Sessions Judge, Dibrugarh under the conditions that:

(1) The petitioner shall refrain from such activities with which he is alleged.

- (2) *The petitioner shall not leave the jurisdiction of the trial Court without prior permission till completion of the trial.*
- (3) *The petitioner shall cooperate with the investigation as well as with the trial.*

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

In the above terms bail application stands disposed of.

JUDGE

Comparing Assistant