

GAHC010007022024



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

Case No. : Bail Appln./118/2024

PRONoy HAFLONGBAR
S/O LATE DOYTOLAL HAFLONGBAR
R/O VILL- GADAIN RAZI
P.O. AND P.S. HAFLONG,
DIST. DIMA HASAO, ASSAM
PIN-788819

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. B BARUAH

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER

25.01.2024

Heard Mr. B. Baruah, learned counsel for the accused and Ms. A. Begum, learned Additional Public Prosecutor for the State respondent.

2. This application under Section 439 of the Code of Criminal Procedure, 1973, is preferred by accused namely, **Shri Pronoy Haflongbar**, who has been languishing in jail hazot, in connection with the **Haflong P.S. Case No. 94/2023**, under Sections 21[a]/21[b]/27[a]/29 of the NDPS Act, for granting bail.

3. The said case has been registered on the basis of one FIR lodged by SI Kaushik Barman, on 20.12.2023. The essence of allegations made in the FIR is that acting on a tip off the informant along with his team intercepted one NTROQ scooty, bearing registration No. AS-08-A-4798 and apprehended 2 persons namely, Rohit Nunisa and Kharingdao Thaosen and recovered 3.52 grams of suspected heroin from 8 numbers of plastic vials from the possession of Kharingdao Thaosen and during interrogation Rohit Nunisa stated that the said contraband substance belongs to Pronoy Haflongber.

4. Mr. Baruah, learned counsel for the accused submits that the accused was arrested on 20.12.2023, and since then he has been languishing in jail hazot for last 37 days. Mr. Baruah further submits that nothing has been recovered from the possession of the present accused and he was arrested only on the basis of statement of the co-accused and that the quantity of contraband substance is of intermediate quantity. Mr. Baruah further submits that the wife of the present accused has recently given birth of a child and there is none to look after her and that the accused is ready to cooperate with the investigating agency and therefore, it is contended to allow the petition.

5. On the other hand, Ms. Begum, learned Additional Public Prosecutor has produced the case diary before this Court and submits that the IO has collected sufficient incriminating materials against the accused and therefore, it is contended to dismiss the petition.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition and the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. It appears that the accused persons were arrested on 20.12.2023, and since then they have been languishing in jail hazot for last 37 days. Further, it appears that the quantity of the contraband substance is only 3.52 grms and the same is small

quantity. It also appears that nothing has been recovered from the possession of the present accused.

8. Having considered above and also considering the period of detention, this Court is of the view that their further custodial detention may not be unwarranted in the interest of investigation.

9. Accordingly, it is provided that on furnishing a bond of Rs. 50,000/- each only, with one surety of like amount to the satisfaction of the learned **Special Judge, NDPS Act, Halflong, Dima Hasao**, the accused persons be enlarged on bail.

10. In terms of above, this bail application stands disposed of.

11. The case diary be returned.

Comparing Assistant

JUDGE