

GAHC010008862024



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

Case No. : Bail Appln./154/2024

PARESH MALLIK
S/OLATE MANINDRA MALLIK
R/O VILL- KACHALUKHUWA, P.S. AND DIST. NAGAON, ASSAM PIN-782001

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, GOVT. OF ASSAM

Advocate for the Petitioner : MR. B D DEKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

26.02.2024

Heard Mr. MP Choudhury, learned counsel for the petitioner. Also heard Mr. MP Goswami, learned Additional Public Prosecutor, Assam for the respondent State.

This is an application under Section 439 Cr.P.C. praying for bail to the

petitioner, namely, Paresh Mallik, who was arrested on 05.06.2023 in connection with Borpathar Police Station Case No.29/2023 under Sections 21(c) of the NDPS Act.

It is stated by the learned counsel for the petitioner that trial is going on against the petitioner in NDPS Case No.70/2023 (corresponding to GR-209/2023) in the Court of the learned Special Judge, Karbi Anglong, Diphu, under Sections 21(c) of the NDPS Act.

The learned counsel for the petitioner submits that during sampling of the substances, the concerned authority has not complied with the provisions of the NDPS Act. It is further submitted that Section 50 of the NDPS Act also has not been complied with. The petitioner has been detained in custody for the last 265 days and at this stage further custodial interrogation of the accused petitioner is not required in view of the fact that trial is going on in the court of the learned Special Judge, Karbi Anglong at Diphu.

On the other hand, Mr. MP Goswami, the learned Additional Public Prosecutor submits that out of five witnesses, two witnesses have been examined and they have implicated the accused petitioner to be involved in the offence alleged. During cross examination of the witnesses also, they have specifically mentioned that the petitioner was involved in the alleged offence. Therefore, at this stage, the prayer for bail of the accused petitioner may not be considered.

I have considered the submission of the learned counsel for the parties and I have also perused the scanned copy of the LCR, including the statement of the witnesses i.e. PW-1 and PW-2. It appears that charge was framed on 21.11.2023. Thereafter, two witnesses have accordingly been examined.

Apparently, there is no delay caused as regards the trial of the case. In that view of the matter, the prayer for bail stands rejected.

However, the learned trial court i.e. the learned Special Judge, Karbi Anglong, Diphu is directed to take initiative to dispose of the matter as expeditiously as possible.

The bail application, accordingly, stands disposed of.

JUDGE

Comparing Assistant