

GAHC010014252024



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

Case No. : I.A.(Crl.)/74/2024

HIRENDRA SINHA
S/O NANI BABU SINHA R/O H. NO. 14, VISHNU NAGAR, SR. KRO PATH,
PATHARQUARY P.S. SATGAON, DIST. KAMRUP (M), ASSAM

VERSUS

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

Advocate for the Petitioner : MR. D K BAIDYA

Advocate for the Respondent : PP, ASSAM

Linked Case : Bail Appln./2185/2021

HIRENDRA SINHA
S/O NANI BABU SINHA
R/O H. NO. 14
VISHNU NAGAR
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PATHARQUARY P.S. SATGAON
DIST. KAMRUP (M)
ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP
ASSAM

Advocate for : MR. A M BORA
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 07-02-2024

Heard Mr. D. K. Baidya, learned counsel for the applicant. Also heard Mr. B. Sarma, learned Addl. P.P. for the State respondent.

This interlocutory application is preferred by the applicant, namely, Hirendra Sinha for relaxation /modification of the bail order dated 13.9.2021 passed in B. A No. 2185 of 2021 (Hirendra Sinha Vs. State of Assam).

Mr. Baidya, learned counsel for the applicant submits that the applicant was arrested in connection with NDPS Case No. 151/2021 u/s 188 /120(B) /269/ 270 IPC read with Section 20(a) /21(b) /25/ 29 of the NDPS Act read with Section 67 of the IT Act and Section 4 and 5 of the Assam Bhang and Ganja Prohibition Act and he was granted bail by this Court vide order dated 13.9.2021, in BA No. 2185 of 2021, imposing following conditions:

“The direction for bail is further subject to the conditions that the accused-petitioner:

(a) shall not leave the territorial jurisdiction of jurisdictional learned Special Judge, under the NDPS Act, without prior written permission from him;

(b) shall deposit his Passport/visa, etc if any, in the court of the learned jurisdictional Special Judge;

(c) shall not hamper with the investigation, or tamper with the evidence of the case;

(d) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

(e) shall appear before the Investigating Police Officer once in a week until the entire

investigation of the case is completed and as and when called by the Investigating Police Officer for the purpose of investigation of the case."

Mr. Baidya further submits that the petitioner is aggrieved by the condition No.

(b) wherein it is provided that the applicant shall deposit his Passport/Visa etc, if any, in the learned jurisdictional Special Judge and pursuant to said order, the applicant has deposited his Passport/Visa etc, before the Court of learned jurisdictional Special Judge.

Mr. Vaidya further submits that the applicant is a business man dealing with the electronic vehicles and he has to visit the South Asian countries from time to time in connection with said business and because of this condition, he could not visit the countries, which has impacted his business and therefore, it is submitted that the aforementioned condition may be relaxed and the Passport may be released and with permission of the learned jurisdictional Special Judge, the applicant may be allowed to visit the countries for his business purpose. Whereas, Mr. B. Sarma, learned Addl. P.P. submits that he has no objection in the event of modifying the aforesaid condition, provided that the applicant follows the other conditions imposed by this Court.

In reply Mr. Baidya learned counsel for the applicant further submitted that the case is pending for furnishing copies u/s 207 of Cr.P.C and that the applicant will abide by rest of the conditions

Having heard the submission of learned Advocates of both sides, I have gone through the petition and the documents placed on record and also perused the condition No.(b),so imposed vide order dated 13.9.2021.

It appears that in condition No.(b), it has been provided that the applicant shall deposit his Passport/Visa etc with the Court of learned jurisdictional Special Judge.

In view of the assurance given by Mr. Baidya, learned counsel for the applicant,

this Court is inclined to allow the application by modifying the condition No.(b) to the extent that the learned Court below shall release the Passport/Visa in favour of the applicant and he may be permitted to visit the countries, which he desires to visit for his business purpose.

In terms of above, this I.A. stands disposed of.

JUDGE

Comparing Assistant