

GAHC010022582024



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

Case No. : Bail Appln./360/2024

RAKESH DAS
S/O LT. NARAYAN DAS
R/O AGARTALA G.B.
P.S. KUNJABAN
P.S. NCC, THANA
DIST. WEST AGARTALA
STATE- TRIPURA,
PH-9577726468

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 23-02-2024

Heard Mr. K. Thakur, learned counsel for the accused. Also heard Mr. B. Sarma, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr. P. C. is preferred by accused, Rakesh Das, who has been languishing in jail hajot in connection with Guwahati GRPS Case No.

22/2024, under Sections 20(b) (ii)(B) of NDPS Act IPC for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by W A S I Pranamika Barman of GRP Pandu, on 21.1.2024.

The essence of allegation, made in the FIR, dated 21.1.2024, is that the informant on checking the train No. 15636 Down ,Deoghar Weekly Express at Platform No. 3 of Guwahati Railway Station, at around 9-40 AM, apprehended the accused in Coach No. B-2 and on checking the baggage she found seven brown coloured packets containing suspected cannabis (ganja) and seized the same in presence of witnesses and during interrogation, he disclosed that he brought the same from Dharmanagar, Tripura.

Mr. Thakur submits that the accused was arrested on 21.1.2024, and since then he is languishing in jail hajot for last 32 days and that he is ready to face trial and also ready to cooperate with the investigating agency and therefore, it is contended to allow this petition.

On the other hand, Mr. Sarma, learned Addl. P.P. submits that he has received the case diary and that material part of the investigation is almost over and that the case is pending for collection of FSL report only. Mr. Sarma, learned Addl. P.P. further submits that I.O. has collected sufficient incriminating materials against the accused and therefore, Mr. sarma has contended to dismiss the petition.

Having heard the submission of learned Advocates of both the parties, I have carefully gone through the petition and the documents placed on record and also perused the case diary with the assistance of Mr. Sarma, learned Addl. P.P for the State respondent.

It is not in dispute that the accused has been languishing in the jail hajot for last 32 days. The case diary indicates that though the I.O. has collected some materials against the accused yet, material part of the investigating is almost over and the case is pending for collection of FSL report only. In that view of the matter, further custodial

detention of the accused may not be required herein this case and therefore, this Court is inclined to allow this petition.

And accordingly, it is provided that on furnishing a bond of Rs.50,000/- with two surety of like amount, one of which should be a Government servant to the satisfaction of the learned Special Judge, NDPS, Kamrup (M) at Guwahati, the accused be enlarged on bail

Case diary be returned.

JUDGE

Comparing Assistant