

GAHC010025752024



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

Case No. : Bail Appln./361/2024

RATAN SINGH @ PRAKASH KR. SINGH
S/O LATE KRISHNA NANDAN SINGH
R/O NATUN BAZAR,
HOUSE NO. 225A
P.O. AND P.S. BASISTHA PIN-781029
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. S A HUSSAIN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 08.02.2024

Heard Mr. S.A. Hussain, learned counsel for the accused and Mr. B. Sarma, learned Addl. Public Prosecutor for the State respondent.

2. This application, under Section 439 Cr.P.C. is preferred by the accused,

namely, Ratan Singh @ Prakash Kr. Singh, who has been languishing in jail hazot in connection with Garchuk P.S. Case No.368/2023, under Sections 21(b)/29 of the NDPS Act, 1985, for grant of bail.

3. It is to be noted here that the aforementioned case has been registered on the basis of an FIR lodged by S.I. Jitendra Singha, I/c ISBT Out Post on 26.12.2023. The essence of allegation made in the FIR dated 26.12.2023, is that acting on a tip off on 25.12.2023, at about 7:50 p.m., he along with other staffs apprehended four persons, namely, Intaj Ali, Pradip Paul, Prakash Kr. Singh and Maidul Islam, in the ISBT campus and recovered 12 grams of suspected heroin from the possession of the accused, Prakash Kr. Singh and seized the same in presence of witnesses, preparing seizure list.

4. Mr. Hussain, the learned counsel for the accused submits that the accused was arrested on 26.12.2023, and since then, he has been languishing in jail hazot for last 45 days and that the co-accused has already been enlarged on bail and he is ready to cooperate with the investigating agency and therefore, it is contended to allow the application.

5. On the other hand, Mr. B. Sarma, learned Addl. Public Prosecutor has opposed the application and submits that at this stage, the case diary be called for.

6. Having heard the submission of learned Advocates of both sides, I have carefully gone through the application and the documents placed on record.

7. It appears from the documents placed on record, especially from the forwarding report that the accused was arrested on 26.12.2023, and since then, he has been languishing in jail hazot. Further, it appears that 12 grams of suspected heroin was recovered from the possession of the accused and seized in the presence of witnesses.

8. It also appears from the order dated 02.02.2024, in Bail.Appln. No. 72/2024, that while enlarging the co-accused, namely, Intaz Ali @ Imtiaz Ali and Pradip Paul on bail, this Court observed as under:

“The case diary indicates that the I.O. has achieved substantial progress in the investigation of this case and the case is pending for collection of FSL report only.”

9. Thus, in view of the stage of investigation and also in view of the nature and gravity of the offence as well as the length of detention, this Court is inclined to allow the application. It is provided that on furnishing a bond of Rs. 50,000/- with one surety of like amount, to the satisfaction of the learned Special Judge, NDPS, Kamrup(M) at Guwahati, the accused be enlarged on bail.

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

JUDGE

Comparing Assistant