

GAHC010026032024



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

**Case No. : Bail Appln./382/2024**

ANUJ BORAH  
S/O SRI GUNARAM BORAH  
R/O HOUSE NO. 5, VIP ROAD,  
SRIMANTA SANKAR NAGAR, P.S. NOONMATI, DIST. KAMRUP (METRO),  
ASSAM

VERSUS

THE STATE OF ASSAM  
REP. BY THE PP, ASSAM

**Advocate for the Petitioner : MR. S C BISWAS**

**Advocate for the Respondent : PP, ASSAM**

**BEFORE**  
**HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**Date : 12-02-2024**

- 1.** Heard Ms. K. Das, learned counsel for the petitioner.
- 2.** The petitioner, namely, Anuj Borah has filed this application under Section 439 Cr.PC with prayer for bail as he is behind bars for 72 days in connection with Basistha

P.S. Case No. 744/2023 registered u/s 21(b)/29 of NDPS Act, 1985.

**3.** Heard Mr. B.B. Gogoi, learned Addl. PP, Assam.

**4.** The learned Addl. PP, Assam has submitted that as per instructions obtained from the IO of this case, charge-sheet has not been laid against the present petitioner. The petitioner is booked u/s 21(b)/29 of the NDPS Act. It is submitted on behalf of the petitioner that he is entitled to bail u/s 167(2) of the Cr.PC.

**5.** Considering the submissions at the Bar and considering the length of detention, petition is allowed. The petitioner is enlarged on bail of Rs. 50,000/- with a suitable surety of like amount to the satisfaction of the jurisdictional Court under the conditions that:-

- i. The petitioner shall co-operate with the trial;
- ii. the petitioner shall not leave the jurisdiction of the Court without prior permission till completion of investigation and if charge-sheet is laid after completion of trial as well;
- iii. the petitioner shall refrain from such activities with which he is alleged; and

On breach of any bail conditions, bail order shall stand cancelled.

**JUDGE**

**Comparing Assistant**