

GAHC010026212024



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

Case No. : Bail Appln./366/2024

BIJAY KUMAR
S/O- SRI SURENDRA SINGH R/O- BIDUPUR GANINATH NEAR SHIV
TEMPLE WARD NO. 12 P/S- BIDUPUR, DIST VAISHALI, BIHA

VERSUS

STATE OF ASSAM
REPRESENTED BY PP ASSAM

Advocate for the Petitioner : MR D MEDHI
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 22-02-2024

Heard Mr. D. Medhi, learned counsel for the accused. Also heard Ms. A. Begum, learned Addl. P.P. for the State respondent.

This application, under Section 439 Cr. P. C. is preferred by accused, Bijay Kumar who has been languishing in jail hajot in connection with GRPS Case No.10/2024, under Sections 21(b) NDPS Act, for grant of bail.

The above noted case has been registered on the basis of an FIR lodged by S. I. Rafique Ali of Guwahati G.R.P.S on 8.1.2024.

The essence of allegation, made in the FIR, dated 8.1.2024, is that on the same day at about 5-15 A.M, while he was attending checking duty at Guwahati Railway station and checked Train No. 01666, DN Rani Kamlapati Express, at platform No. 1 at around 8 AM, he found one person, sitting in seat No. 52 with a black and blue colour pithu bag and on suspicion, they enquired about his identity and he disclosed that he is travelling from Agartala to Baishali, Bihar and on checking his bag, they found one packet of suspected Heroin (brown sugar) in a shop case weighing 13 grams, without soap case and seized the same in presence of witnesses.

Mr. Medhi, learned counsel for the accused submits that the accused was arrested on 9.1.2024, and for last 46 days he has been languishing in jail hajot and that the quantity of heroin, allegedly recovered from the possession of the accused, is of intermediate quantity and that the accused is ready to face trial and will appear before the Court on each and every date and therefore, it is contended to allow the petition.

On the other hand, Ms. Begum, learned Addl. P.P. has produced the case diary before this Court and submits that material part of the investigation is almost over and the case is pending for collection of FSL report.

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 Ms. Begum, learned Addl. P.P for the State respondent.

It appears from the case diary that the material part of the investigation is almost over and the case is pending for collection of FSL report. Further, it appears that the accused has been languishing in the jail hajot for last 46 days and balancing the same with the nature and gravity of the offence and the

punishment prescribed for the same, this Court is of the view that further custodial detention of the accused may not be required, in the interest of investigation and therefore, this Court is inclined to allow this petition.

Accordingly, 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), the accused be enlarged on bail.

Case diary be returned.

JUDGE

Comparing Assistant