

GAHC010032132024



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

Case No. : Bail Appln./444/2024

JAY KUMAR
S/O JAY KAMAT
P/A RAMPUR, P.S. SUPAUL
DIST. VAISHALI, BIHAR, PIN-852131

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE STANDING COUNSEL EXCISE DEPARTMENT,
KAMRUP (M), GUWAHATI, ASSAM

Advocate for the Petitioner : MR. A DUTTA

Advocate for the Respondent : SPECIAL PP ASSAM

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 17-02-2024

Heard Mr. A. Dutta, learned counsel for the petitioner Jay Kumar.

2. The petitioner has filed this application under Section 439 of the Code of Criminal Procedure, 1973 (CrPC for short) as he is behind bars since 26.01.2024 in connection with Excise Case No. DIS/EX-01/2024 under Section 20(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. Heard Mr. D. Gogoi, learned Standing Counsel for the Excise Department of Government of Assam.

4. I have considered the submissions at the bar with circumspection. It is submitted on behalf of the petitioner that the petitioner has been languishing in the jail for 23 (Twenty Three) days.

5. The learned Standing Counsel has raised serious objection stating that the petitioner is from Bihar and there is every possibility that he will evade appearance in connection with this case. Without the Case Diary, bail petition cannot be considered.

6. I have considered the submissions that the petitioner has been behind bars for 23 (Twenty Three) days and investigation may have presumably progressed to some extent.

7. Considering all aspects and in view of my foregoing discussions, petition is allowed.

8. The petitioner is enlarged on bail on furnishing a bail bond of Rs.50,000/- (Rupees Fifty Thousand) with a local surety of like amount to the satisfaction of the jurisdictional Court under the conditions that:

i) The petitioner shall appear before the Investigating Officer every fifteen days till the final report is filed against him and cooperate with the investigation.

ii) The petitioner shall refrain from such activities with which he is alleged.

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

In the above terms observations, this Bail Application stands disposed of.

JUDGE

Comparing Assistant