

GAHC010038962024



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

Case No. : Bail Appln./582/2024

ELIUS SANGMA
S/O SRI KELINGTON SANGMA
VILL- MAMA KULI P.O PILLANGKATTA
P.S. BYRNIHAT,
DIST. RI BHOI, MEGHALAYA.

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MS. A. MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

10/04/2024

Heard Ms. A Medhi, learned counsel for the petitioner and Mr. M P Goswami, learned Additional Public Prosecutor, Assam for the State.

2. This application under Section 439 Cr.P.C. has been filed by the petitioner, namely, **Elius Sangma**, son of Sri Kelington Sangma, seeking bail in connection with **Guwahati G.R.P.S. Case No. 47/2024** registered under Sections 20(b)(ii)(B) of the NDPS Act, corresponding to G.R. Case No.

812/2024, in which he was arrested on 15.02.2024 and is in custody since then.

3. From the perusal of the FIR of the case dated 14.02.2024 and the accused forwarding report dated 15.02.2024, the facts of the case can be seen as that while the informant on 14.02.2024 was performing his duty, he was informed by the Head Constable of Railway Police Force that the said Head Constable while on duty noticed one person with a green colour bag appears to be heavy was coming from the main entrance gate at Platform No. 1 and his movement was found to be suspicious, as such, the said person was detained at Platform No. 1 at Gauhati Railway Station and on opening his bag a packet wrapped with brown colour plastic was found. On getting the said information the informant immediately reached the Platform No. 1 and joined with the said Head Constable. After weighing the said packet that was inside the bag carried by the said person 5.542 kgs. of suspected Ganja could be recovered. In presence of witnesses by preparing a proper seizure memo said suspected Ganja and other materials were recovered from the possession of the petitioner.

4. On being enquired, Mr. Goswami, learned Additional Public Prosecutor, on instructions, submitted that till date charge-sheet has not been filed in said Guwahati G.R.P.S. Case No. 47/2024.

5. It is seen that, till date, since 15.02.2024, petitioner is in custody for about 56 days in said Guwahati G.R.P.S. Case No. 47/2024 and charge-sheet in the case is yet to be filed. Moreover, suspected Ganja recovered from the possession of the petitioner is less than commercial quantity.

6. Considering the above and the period of detention of the petitioner in custody since 15.02.2024, the Court is of the view that further custodial detention of the petitioner is not warranted to investigate the said Guwahati G.R.P.S. Case No. 47/2024. As such, this bail application of the petitioner in said Guwahati G.R.P.S. Case is accepted.

7. Accordingly, the petitioner, namely, **Elius Sangma**, son of Sri Kelington Sangma, be released on bail in said **Guwahati G.R.P.S. Case No. 47/2024** registered under Sections 20(b)(ii)(B) of the NDPS Act, corresponding to G.R. Case No. 812/2024 on furnishing a bail bond of Rs.75,000/- with 2 (two) local sureties each of the like amount, to the satisfaction of the learned Special Judge (NDPS), Kamrup (Metro), Guwahati, on the following terms and conditions that the petitioner—

(i) shall appear before the Investigating Officer of said Guwahati G.R.P.S. Case No. 47/2024 on or before 15.05.2024 and thereafter, as and when he is required for necessary investigation of the case;

(ii) shall not leave the territorial jurisdiction of the Guwahati G.R.P.S. without obtaining prior written permission from the learned Special Judge (NDPS), Kamrup (Metro), Guwahati;

(iii) shall not hamper with the investigation, or tamper with the evidence of the case;

(iv) shall not indulge in any such activities of illegal consumption of narcotic substances in future;

(v) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and

(vi) shall not indulge in any manner in any criminal activities.

8. It is made clear that failure on the part of the petitioner to comply with any of the terms and conditions noted above, the bail granted to him in the aforesaid **Guwahati G.R.P.S. Case No. 47/2024** shall stand automatically vacated.

9. This bail application accordingly stands allowed to the extent above.

JUDGE

Comparing Assistant