

GAHC010044582024



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

Case No. : Bail Appln./613/2024

AJIT RABHA @ GARO
S/O LATE PARIMAL RABHA
R/O LALMATI, SAMUGURI, P.S. BASISTHA,
DIST. KAMRUP (METRO), ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY PP, ASSAM

Advocate for the Petitioner : MR. N J DUTTA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 22.03.2024

Heard Mr. N.J. Dutta, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor appearing for the State.

This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the petitioner, namely, **Ajit Rabha @ Garo**, in connection with **Basistha P.S.**

Case No. 79/2024, registered under **Section 379/411 IPC r/w Section 21(b)/29 of NDPS Act, 1985**.

The learned counsel for the petitioner submits that the case was registered under Section 21(b) of NDPS Act. However, it appears from the order of the Magistrate dated 12.02.2024 that the quantity of suspected heroin found to be 3.74 grams which is a small quantity and the punishment in such cases is one year. It is also submitted that the petitioner has been detained in jail hazot since 08.02.2024 who happens to be a drug addict. Considering the period of detention as well as the background of the case, the petitioner may be enlarged on bail.

On the other hand, Mr. Gogoi, learned Additional Public Prosecutor for the State submits that case diary has not yet been received. He further submits that on receipt of the case diary, the prayer of the petitioner may be considered.

I have considered the submissions made by the learned counsel for the parties.

Considering the fact that the petitioner is a drug addict as well as the length of detention of the petitioner, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary for the purpose of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Basistha P.S. Case No. 79/2024**, registered under **Section 379/411 IPC r/w Section 21(b)/29 of NDPS Act, 1985**, on furnishing bail bond of **Rs.50,000/- with a suitable surety** of the like amount to the satisfaction of learned Special Judge, Kamrup(M), Guwahati, Assam.

The direction for bail is further subject to the conditions that the accused-

petitioner:

- (a) shall not leave the territorial jurisdiction of learned Special Judge, Kamrup(M), Guwahati, Assam, without prior written permission from him/her;
- (b) 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 them from disclosing such facts to the Court or to any police officer.

In terms of the above, this bail application stands disposed of.

JUDGE

Comparing Assistant