

GAHC010047792024



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

Case No. : Bail Appln./662/2024

SUBRATA ROY AND ANR.
SON OF LATE LAXMAN ROY RESIDENT OF DEHAL PATH, BEHARBARI
POLICE STATION BASISTHA DISTRICT- KAMRUP(M), ASSAM PERMANENT
ADDRESS LUMPING KANJA FOOTBALL, SHILLONG, P.S. LABAN DISTRICT
SHILLONG, MEGHALAYA

2: SAHARAN BEGUM
WIFE OF ABDUL MALIK RESIDENT OF RANGAMATI
KOTOUGURI P.O. RANGAMATI
P.S. MANGALDOI DISTRICT DARRANG
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 15.03.2024

Heard Mr. S. Munir, learned counsel for the petitioners. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor appearing for the State.

This is an application filed under **Section 439 Cr.P.C.**, seeking bail by the petitioners, namely, **Subrata Roy and Saharan Begum**, in connection with **Basistha P.S. Case No. 113/2024**, registered under **Section 20(b)(ii) (B)/29 of NDPS Act**.

The learned counsel for the petitioners submits that the case was registered under Section 22(b)(ii)(B)/29 of NDPS Act. But from the seizure list, 560 grams of suspected ganja was recovered from the possession of the petitioners which appears to be small quantity as per provision of NDPS Act, 1985 wherein the punishment is one year. As it is a case of bailable in nature, therefore, the learned counsel for the petitioners has prayed that considering the period of detention as well as the background of the case, the petitioners may be enlarged on bail.

In support of his submission, the learned counsel for the petitioners has placed reliance on a Bail Application vide BA/472/2023 dated 13.02.2024.

On the other hand, Mr. Kaushik, learned Additional Public Prosecutor for the State has stated that case diary has been received without FSL report. Therefore, he has prayed after receipt of the FSL report, bail may be granted to the petitioners.

I have considered the submissions made by the learned counsel for the parties. I have also perused the relevant documents as available in the record.

It appears from the seizure list that 560 grams of suspected ganja was recovered from the possession of the petitioners which are small quantity, falls under Section 22(a) of NDPS Act wherein the punishment is one year. Apart from that no criminal conspiracy is attributed between the parties.

In view of the above and considering the length of detention of the petitioners, this Court is of the view that further custodial interrogation of the accused-petitioners is not necessary for the purpose of investigation of the case.

Accordingly, the accused-petitioners, named above, shall be released on bail in connection with **Basistha P.S. Case No. 113/2024**, registered under **Section 20(b)(ii)(B)/29 of NDPS Act**, on furnishing bail bond of **Rs.50,000/- each with a suitable surety each** of the like amount to the satisfaction of learned CJM, Kamrup(M), Assam.

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

- (a) shall not leave the territorial jurisdiction of learned CJM, Kamrup(M), 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.

Send back the case diary.

JUDGE

Comparing Assistant