

GAHC010053492024



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

Case No. : Bail Appln./755/2024

BENU DAS
S/O LATE AMIYA DAS
R/O SISSIMUKH BENGALI GAON
P.S. DHEMAJI
DIST. DHEMAJI, ASSAM
VERSUS
THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR A HAWARI
Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 04.04.2024

Heard Mr. S. Islam, learned counsel for the petitioner and Mr. BB Gogoi, learned Addl. Public Prosecutor for the State respondent.

This is an application under Section 439 Cr.P.C., filed by the petitioner namely, Sri Benu Das, praying for bail, who was arrested on 04.02.2024 in connection with Dhemaji P.S. Case No. 18/2024 under Section 20(b)(ii)(B) of NDPS Act.

Case diary is received and perused.

Heard both sides.

It is submitted by the learned counsel for the petitioner that the accused was arrested on 04.02.2024 and since then he has been in judicial custody. By this way, he has completed the mandatory period of 60 days. The case was registered under Section 20(b)(ii)(B) of NDPS Act and the charge sheet has not yet been submitted.

The learned Additional Public Prosecutor has submitted that the charge sheet has not yet been submitted and the accused/ petitioner may be enlarged on bail considering the period of detention.

In view of the above, considering the materials available on the record including the length of detention I find that further custodial interrogation of the accused may not be required. Accordingly, I find it to be a fit case to enlarge the petitioner on bail. It is directed that the accused/ petitioner be released on bail on furnishing a bond of Rs. 50,000/- with 2 suitable sureties of like amount to the satisfaction of the learned Special Judge, Dhemaji in connection with the aforementioned case.

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

- (a) shall not leave the territorial jurisdiction of the learned Special Judge, Dhemaji, without prior written permission from him/ her;
- (b) shall not hamper with the investigation of the case and tamper in the evidence of the case; and
- (c) 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.

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

Return the case diary.

JUDGE

Comparing Assistant