

GAHC010075112024



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

Case No. : Bail Appln./1068/2024

AJIT KUMAR TIWARI AND ANR.
S/O BHAGWAN TIWARI
R/O GARWYA, P.O. BIMARE
P.S. SHAPUR, DIST. BHAJPUR, BIHAR.

2: MUKESH KUMAR OJHA
S/O SRI PREM KUMAR OJHA

R/O VILL- SAHJAULI
P.S. SAHAPUR

DIST. BHOJPUR
BIHAR

VERSUS

THE STATE OF ASSAM
REP BY PP, ASSAM

Advocate for the Petitioner : MR. B HALDAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

ORDER

10.04.2024

Heard Mr. B Haldar, learned counsel for the petitioners as well as Mr. R R Kaushik, learned Additional Public Prosecutor, Assam.

This is an application filed under Section 439 CrPC by the petitioners (1) Sri Ajit Kumar Tiwari and (2) Sri Mukesh Kumar Ojah for releasing them on bail in connection with Special (Nar.) Case No. 110 (BGN)/2023 registered under Sections 20(b)(ii)(C)/29 of the NDPS Act, pending in the court of the Special Judge, Bongaigaon.

Allegation made against the petitioners is that commercial quantity of narcotic drugs were recovered from their possession, who are now facing trial.

It appears from the record that charge was also framed against the petitioners. Till now, no witnesses are examined.

Since the petitioners are facing trial for possessing commercial quantity of narcotic drugs, this court finds no ground for exercising special power under Section 439 CrPC. Therefore, the bail application of the petitioner is rejected and disposed of accordingly.

However, the trial court is directed to dispose of the case expeditiously.

JUDGE

Comparing Assistant