

GAHC010075952024



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

Case No. : Bail Appln./2362/2024

BISWAJIT BISWAS
S/O NITYA NANDA BISWAS, R/O LANKAMURA, BHUBANBAN, P.S.-WEST
AGARTALA, DIST-WEST TRIPURA, TRIPURA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. B C DAS, MR. S H RAHMAN
Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

30.08.2024

Heard Mr. S. H. Rahman, learned counsel appearing for the accused petitioner as well as Mr. B. Sarma, learned Additional Public Prosecutor.

By this petition filed under Section 439 Cr.P.C., the accused-petitioner, namely, **Biswajit Biswas**, has prayed for grant of bail in connection with **Special (NDPS) Case No.104/2023** arising out of Bezaricherra PS Case No. 169/2023 under Sections **22(C)/25/29 of NDPS Act**, pending in the court of learned District and Sessions Judge, Karimganj.

It is submitted by the learned counsel for the petitioner that the petitioner has

been languishing in judicial custody for last 378 days since his arrest from 18.08.2023. The petitioner is the driver of the vehicle from which such contraband item was recovered. It is further submitted that the petitioner has no knowledge regarding such contraband items kept inside the vehicle. Considering the length of detention, bail may be granted to the petitioner. Learned counsel for the petitioner has also raised the point of default bail by referring the judgment of (2023) 0 SC 416 (Krishna Murari vs Union of India).

In response, Mr. B. Sarma, learned Additional Public Prosecutor submits that there is no delay in the proceeding of the case. The petitioner was arrested only on 18.08.2023 and charge-sheet has been laid on 31.08.2023 within the statutory period as such the question of default bail does not arise. Considering the gravity of the offence, prayer for bail may be rejected.

I have considered the submission made by the learned counsel for both the parties. The judgment referred by the learned counsel for the petitioner is not applicable in this case. There is no prayer by the IO to file supplementary charge-sheet pending investigation. The charge-sheet filed in the case is the final charge-sheet showing the owner of the vehicle as absconder. Charge has not yet been framed. It is too early to consider the bail prayer of the accused/petitioner involving commercial quantity of contraband with the rigors of Section 37 of the NDPS Act.

In view of the above, prayer for bail stands rejected.

This disposes of the bail application.

JUDGE

Comparing Assistant