

GAHC010079812024



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

Case No. : Bail Appln./1150/2024

SUJITA DEVI AND 4 ORS.
W/O JARMAN MANDAL,
VILL.- BILASHPUR, DEORHI, DIST.- PURNIA, BIHAR.

2: KAUSILYA DEVI
W/O CHOTTU MANDAL

VILL.- BILASHPUR
DEORHI
DIST.- PURNIA
BIHAR.

3: RANI DEVI
W/O RAJU MANDAL

VILL.- BILASHPUR
DEORHI
DIST.- PURNIA
BIHAR.

4: POOJA KUMARI
W/O AMRESH KUMAR RAM

VILL.- BILASHPUR
DEORHI
DIST.- PURNIA
BIHAR.

5: MONA DEVI
W/O MANTU KR. MANDAL

VILL.- BILASHPUR
DEORHI
DIST.- PURNIA

BIHAR

VERSUS

THE STATE OF ASSAM
REP. BY THE P.P., ASSAM.

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 15.05.2024

Heard Mr. M.Khan, learned counsel for the petitioners as well as Mr. R.J.Baruah, learned Addl. P.P., Assam for the State respondent.

By this petition under Section 439 Cr.P.C., the accused-petitioners, namely, **1. Sujita Devi, 2. Kausilya Devi, 3. Rani Devi, 4. Pooja Kumari and 5. Mona Devi** have prayed for grant of bail in connection with **Bogaigaon GRPS Case No.32/2024** under Section 20 (b) (II)/B/29 of NDPS Act.

The learned counsel for the petitioners submits that the petitioners have been in judicial custody for 60 days since they were arrested on 17.03.2024 and the mandatory period for such offence is 60 days. Charge sheet has not been submitted and as such, the petitioners are entitled for default bail.

The learned Addl.P.P. on the other hand submits that charge sheet has not yet been submitted and the petitioners have been in judicial custody for 60 days and case diary is not received.

Having heard learned counsel for the parties and on perusal averments made in this petition, it appears that the petitioners are in judicial custody for last 60 days and charge-sheet has not yet been submitted in the case and as such, considering length of detention, this Court is of the considered opinion that further custodial interrogation of the petitioners in the interest of investigation is not warranted.

Accordingly, it is provided that the petitioners named above shall be released on furnishing bail bond of **Rs. 50,000/-** each with two sureties each of like amount to the satisfaction of the learned **Special Judge, Bongaigaon**, subject to the following

conditions;-

- (i) The petitioners shall not leave the territorial jurisdiction of learned **Special Judge, Bongaigaon** without prior written permission from him/her;
- (ii) That the petitioners shall cooperate with the Investigating Officer as and when required;
- (iii) That out of the two sureties, one must be a government servant of the State of Assam;
- (iv) That the petitioners 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 Police Officer or the Court.

Violation of any condition shall tantamount to cancellation of bail.

This disposes of the bail application.

JUDGE

Comparing Assistant