

GAHC010081142024



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

Case No. : Bail Appln./1163/2024

SUNTU TIWARI
S/O LATE RAMA KANT TIWARI
R/O VILL- BATHGAON
P.S. NTPC
DIST. PATNA, BIHAR,
PIN-803215

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A PAUL

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 31.05.2024

Heard Mr. A. Paul, learned counsel for the petitioner. Also heard Mr. M.P. Goswami, learned Additional Public Prosecutor for the State.

2. This is an application made under **Section 439 Cr.P.C.**, seeking bail

by the accused-petitioner, namely, **Suntu Tiwari**, in connection with **NDPS Case No. 26/2022(corresponding to Rangia GRPS Case No. 27/2022)**, registered under Section **20(b)(ii)(C)/29 of NDPS Act**, pending in the court of learned Special Judge, Kamrup, Rangia.

3. The learned counsel for the accused/petitioner submits that the petitioner has been detained in custody for one year ten months since his arrest on 01.08.2022. It is also submitted that the co-accused in this case was granted bail by this Court. It is further submitted that the contraband which was seized from the possession of the petitioner is not commercial quantity. As per judgment of the Hon'ble Supreme Court, the recovery made from the co-accused could not be clubbed together to make the same commercial quantity. Under such backdrop and considering the period of detention, bail may be granted to the petitioner.

4. On the other hand, Mr. Goswami, learned Addl.P.P. has submitted that the charge has been framed on 24.05.2023. He further submitted that out of 10(ten) witnesses, 8(eight) witnesses have already been examined. There is no delay in proceeding of the case. Considering the fact as well as the nature of the offence, bail may not be granted to the petitioner at this stage of trial.

5. I have considered the submissions made by the learned counsel for the parties. I have also perused the scanned copy of LCR including the statement of the witnesses recorded so far.

6. It appears that the accused person was arrested on 01.08.2022. Subsequently, charge-sheet has been submitted on 30.09.2022. Accordingly,

charge was framed on 24.05.2023. It also appears that out of 10(ten) witnesses, 8 (eight) witnesses have already been examined. Apparently, there is no delay in proceeding of the case. It also appears that the petitioner is hailing from Patna, Bihar. The trial is about to complete within a short period. Situated thus, interference by this Court is not permissible at this stage.

7. Hence, prayer for bail is **rejected**. However, endeavor is made by the trial court to dispose of the matter early.

8. In view of above, the bail application stands disposed of.

JUDGE

Comparing Assistant