

GAHC010082392024



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

Case No. : Bail Appln./1200/2024

RABI DAIMARY
S/O NUAWA RAM DAIMARY, R/O VILL- JHELKAJHAR PT.I,
P.S. BONGAIGAON, DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. M KHAN

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 26.04.2024

Heard Mr. M. Khan, learned counsel for the accused/petitioner. Also heard Mr. D.P. Goswami, learned Additional Public Prosecutor for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the accused-petitioner, namely, **Rabi Daimary**, in connection with

Bongaigaon P.S. Case No. 130/2024, registered under **Section 20(b)(ii)(B)/29 of NDPS Act r/w Section 4 of Assam Ganja and Bhang Prohibition Act, 1958**.

It is submitted by the learned counsel for the petitioner that though the case was registered under Section 20(b) of NDPS Act but the quantity recovered from the petitioner is 0.839 kg which is small quantity for which section 20(a) is attracted in this case instead of Section 20(b) of NDPS Act. It is further submitted that the accused has been detained in custody since 08.04.2024. Considering the period of detention as well as the nature of offence, the petitioner may be enlarged on bail.

On the other hand, Mr. Goswami, learned Additional Public Prosecutor for the State has submitted that small quantity of suspected ganja was recovered from the possession of the petitioner. Therefore, considering the nature of offence, the prayer of the petitioner may be considered.

I have considered the submissions made by the learned counsel for the parties. Perused the record.

It appears from the inventory report prepared by learned Magistrate that the quantity of suspected ganja was recovered from the possession of the petitioner was weighing about 0.839 kg which is small quantity. Under such backdrop and considering the nature of offence as well as length of detention of the petitioner, this Court is of the view that further custodial interrogation of the accused-petitioner is not necessary for the purpose of investigation of the case.

Accordingly, the accused-petitioner, named above, shall be released on bail in connection with **Bongaigaon P.S. Case No. 130/2024**, registered under **Section 20(b)(ii)(B)/29 of NDPS Act r/w Section 4 of Assam Ganja and Bhang Prohibition Act, 1958**, on furnishing bail bond of **Rs.50,000/-** with **one suitable surety** of the like amount to the satisfaction of learned Special Judge, Bongaigaon, Assam.

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

(a) shall not leave the territorial jurisdiction of learned Special Judge, Bongaigaon, Assam without prior written permission from him/her;

(b) 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.

JUDGE

Comparing Assistant