

GAHC010086642024



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

Case No. : Bail Appln./1269/2024

DEEP GHOSH AND 4 ORS.
S/O LATE PRADIP GHOSH
R/O DAKHIN LUMDING,
WARD NO. 13, P.S. LUMDING,
DIST. HOJAI, ASSAM

2: AMAL DEY
S/O LATE SUNIL CH. DEY
R/O KRISHNA BASTI
WARD NO. 13
P.S. LUMDING
DIST. HOJAI
ASSAM

3: RANTU DEY
S/O SRI LALU DEY
R/O VILL- JOROMDISA
WARD NO. 8

P.S. LUMDING
DIST. HOJAI
ASSAM

4: AMAR KURI
S/O LATE MOTILAL KURI
R/O DAKHIN LUMDING
WARD NO. 13

P.S. LUMDING
DIST. HOJAI
ASSAM

5: SHANKAR ADHIKARI
S/O LATE SADHAN ADHIKARI

R/O DAKHIN LUMDING
WARD NO. 13

P.S. LUMDING
DIST. HOJAI
ASSA

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. R MAJUMDAR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI**

ORDER

Date : 13.05.2024

Heard Mr. R. Majumdar, learned counsel for the petitioners. Also heard Mr. R.R. Kaushik, learned Additional Public Prosecutor appearing for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioners, namely, **(i) Deep Ghosh (ii) Amal Dey (iii) Rantu Dey (iv) Amar Kuri and (v) Shankar Adhikari**, in connection with **Langting P.S Case No. 04/2024(corresponding to G.R. No. 52/2024)**, registered under **Section 20(b)(ii)(B)/29 of NDPS Act.**

This case relates to recovery of intermediate quantity of ganja. It is submitted by the learned counsel for the petitioners that the petitioners are not the owners of the vehicle from which the suspected ganja was recovered. The

petitioners were travelling in the said vehicle. It is also submitted that one Ratan Sarkar is the owner of the said vehicle. It is further submitted that the petitioners have been detained in custody for the last 57 days since 19.03.2024. Considering the background of the case as well as the length of detention, bail may be granted to the petitioners.

On the other hand, Mr. Kaushik, learned Additional Public Prosecutor for the State has produced the case diary without FSL report, bail may be granted considering the length of detention.

I have considered the submissions made by the parties. I have also perused case diary.

Considering the fact as well as the length of detention of the petitioners, this Court is of the view that further custodial interrogation of the accused-petitioners is not necessary for the purpose of investigation of the case.

Accordingly, the accused-petitioners, named above, shall be released on bail in connection with **Langting P.S Case No. 04/2024(corresponding to G.R. No. 52/2024)**, registered under **Section 20(b)(ii)(B)/29 of NDPS Act.**, on furnishing bail bond of **Rs.50,000/- each with one suitable surety each** of the like amount to the satisfaction of learned Special Judge, Dima Hasao, Haflong, Assam.

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

- (a) shall not leave the territorial jurisdiction of learned Special Judge, Dima Hasao, Haflong, 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.

Send back the case diary.

JUDGE

Comparing Assistant