

GAHC010091572024



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

Case No. : Bail Appln./1384/2024

ASHEM ROJIT SINGH
S/O LATE AHEM NORENDRO SINGH
R/O PALACE COMPOUND P.S. POROMPAL
DIST. IMPHAL (EAST MANIPUR)

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR D MEDHI

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 24.06.2024

Heard Mr. D. Medhi, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State of Assam.

This is an application under Section 439 of the Code of Criminal

Procedure, 1973 praying for grant of bail to the accused /petitioner, who has been arrested in connection with Garchuk P.S. Case No. 126/2024, under Sections 21(b)/29 of the NDPS Act.

CD received, perused the same and heard both the sides.

It is submitted by Mr. D. Medhi, learned counsel for the petitioner, that the accused/petitioner is innocent and he is no way involved in the alleged offence. More so, he is in custody for last 58 days and hence, the Investigating Officer got sufficient time to interrogate the present accused/petitioner keeping him in custody and accordingly his further custodial interrogation may not be necessary in this case.

Mr. R. J. Baruah, learned Additional Public Prosecutor submitted that there are sufficient materials in the Case Diary against the present petitioner. However, on enquiry, he has been informed that till date the police has not collected the FSL report and hence, it may not be possible to file the Charge-Sheet within the stipulated period of time.

Considering the submissions made by the learned counsels of both sides, period of detention undergone by the accused/ petitioner and also considering the fact that there is no probability of filing the Charge-Sheet within 2 to 3 days or before the completion of the statutory period, without going by the merit of the case and only considering the length of detention already undergone by the accused/petitioner, I find that further custodial interrogation of the accused/petitioner seems to be not necessary for the interest of investigation.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with 2 (two) sureties of like amount, one should be a Government servant, to the satisfaction of the learned Special Judge, Kamrup(Metro), the accused/ petitioner, namely, Ashem Rojit Singh, be enlarged on bail, subject to the following conditions:

(i) that the petitioner shall fully co-operate with the I.O. and shall make himself available for interrogation by the I.O. as and when required in connection with the aforesaid P.S. Case;

(ii) that the petitioner 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; and

(iii) that the petitioner shall not leave the jurisdiction of the learned Special Judge, Kamrup(Metro), without prior permission.

In terms of above, this bail application stands disposed of.

The Case Diary be sent back.

JUDGE

Comparing Assistant