

GAHC010092612024



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

Case No. : Bail Appln./1432/2024

KHANESWARI BASUMOTARY
W/O SRI NARESWAR BASUMATARY
R/O VILL- NO. 1 GORESWAR, P.S. GORESWAR, DIS. TAMULPUR, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MS M DAS

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

10-06-2024

Heard Ms. M Das, learned counsel for the petitioner and Mr. B Sarma, learned Additional Public Prosecutor, Assam for the State.

This is an application made under **Section 439 Cr.P.C.**, seeking bail by the petitioner, namely, **Mrs. Khaneswari Basumotary**, in connection with **Udalguri Police Station Case No. 12/2024**, registered under Section **20(b)(ii)(C) of the NDPS Act, 1985**.

It is submitted by the learned counsel for the petitioner that the accused has been

linguishing in judicial custody for the last 131 days and considering her length of detention, the petitioner may be enlarged on bail.

Mr. B Sarma, learned Additional Public Prosecutor, Assam has produced the case diary.

Mr. B Sarma, learned Additional Public Prosecutor, Assam vehemently opposing the prayer for bail of the petitioner, has submitted that commercial quantity of Ganja (Cannabis) was recovered from the possession of the petitioner and the FSL Report has also confirmed the positive test for Ganja (Cannabis).

I have heard the submissions of both the parties.

Considering the submissions of the learned counsels for the parties, it reflects that commercial quantity of contraband items were recovered from the possession of the petitioner, as such, the rigors of Section 37 of the NDPS Act, 1985 has come into play.

In view of the above, at this stage this Court is not inclined to release the petitioner on bail and the bail prayer of the petitioner is rejected.

Return the Case Diary.

JUDGE

Comparing Assistant