

GAHC010104492024



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

Case No. : Bail Appln./1524/2024

VICKY KUMAR
S/O PRAHLAD KUMAR
VILL- SHEIKHPURA DURGA ASHRAM GALI RAZA BAZAR,
P.S. SASTRI NAGAR,
DIST. PATNA, BIHAR

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP, ASSAM

Advocate for the Petitioner : B ALI SK

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 20-06-2024

- 1.** Heard Mr. B. Ali Sk, learned counsel for the petitioner. Also heard Mr. B. B. Gogoi, learned Additional Public Prosecutor for the State.

- 2.** This application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Vicky Kumar, who has been

detained behind the bars since 12.02.2024 (for last 129 days) in connection with NDPS Case No. 139/2024 corresponding to GRPS Case No. 42/2024 under Section 20(b)(ii)(B) of the NDPS Act, 1985 which is pending before the learned Additional Sessions Judge No. 3 (FTC), Kamrup(M), Guwahati.

3. The gist of accusation in this case is that on 12.02.2024 one Pranamika Barman, ASI of Police of Government Railway Police, Pandu, had lodged an FIR before the Officer-in-charge of GRPS Police Station, *inter alia*, alleging that during the routine train checking duty on 12.02.2024 Train No. 01666 DN Rani Kamlapati Special Fair Train was standing at Platform No. 1 of Guwahati Railway Station at about 7.40 AM. The present petitioner was found in possession of eight numbers of packets wrapped with brown colour cello tape containing suspected ganja. On weighing of the recovered ganja, it was found that it weighed 9.143 Kg. On receipt of the said FIR, GRPS Case No. 42/2024 was registered and investigation was initiated. Ultimately, on completion of the investigation, charge-sheet was laid against the above named petitioner under Section 20(b)(ii)(B) of the NDPS Act, 1985.

4. The learned counsel for the petitioner has submitted that the petitioner has been facing an accusation under Section 20(b)(ii)(B) for which charges were framed on 01st June, 2024. However, he has not been released on bail though there is no embargo of his being released on bail and the trial court has only rejected his bail on the ground that the matter is at the stage of framing of charges and considering the nature and gravity of offence, the prayer was rejected.

5. The learned counsel for the petitioner has submitted that though the

petitioner hails from Bihar he would cooperate in the trial and regularly appear before the trial court as and when so required by the trial court.

6. On the other hand, learned Additional Public Prosecutor has submitted that the petitioner is from Bihar, there is an apprehension that he may not turn up if he is allowed to go on bail and, therefore, in case he is granted bail, stringent conditions may be imposed.

7. I have considered the submissions made by learned counsel for both the sides and have perused the material on record including the scanned copy of the case record of NDPS Case No. 139/2024 which was called for in connection with this case.

8. As the petitioner was found in possession of only 9.143 KG Ganja which is of intermediate quantity and he has already undergone detention period for 129 days, this Court is of considered opinion that if the petitioner cooperates in his trial, his further custodial detention may not be necessary.

9. In view of the above, the above named petitioner is allowed to go on bail of Rs.50,000/- (Rupees Fifty Thousand) with one surety of like amount. The surety should be a permanent resident of the State of Assam, subject to the satisfaction to the learned Additional Sessions Judge No. 3 (FTC), Kamrup(M), Guwahati with following conditions:-

- i. That the petitioner shall cooperate in the trial of NDPS Case No. 139/2024, which is pending in the Court of learned Additional Sessions Judge No. 3 (FTC), Kamrup(M), Guwahati;

- ii. That the petitioner shall appear before the Trial Court as and when so required by the Trial Court;
- iii. That the petitioner shall not directly or indirectly make any inducement, threat, or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts before the Trial Court in the trial pending against the present petitioner;
- iv. That the petitioner shall provide his contact details including photocopies of his Aadhar Card or Driving License or PAN card and mobile number, other contact details before the Trial Court;
- v. That the petitioner shall not leave the jurisdiction of the Trial Court without prior permission of the Trial Court and when such leave is granted by the Trial Court, the petitioner shall submit his leave address and contact details during such leave before the Trial Court; and
- vi. That the petitioner shall not commit any similar offence while on bail.

10. With the above observation, this bail application is disposed of.

JUDGE

Comparing Assistant