

GAHC010106372024



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

Case No. : Bail Appln./1547/2024

LITON DAS AND ANR.
S/O LATE BHARAT DAS
R/O DAKHIN BHAMURAGURI
P.S. RUPAHIHAT
DIST. NAGAON, ASSAM

2: PAPPU DAS @ PAPU DAS
S/O SWAPAN DAS
R/O DAKHIN BHAMURAGURI
P.S. RUPAHIHAT
DIST. NAGAON
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR S M ABDULLAH P

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 26.06.2024

1. Heard Mr. S. M. Abdullah P, learned counsel for the petitioner. Also

heard Mr. R. R. Kaushik, learned Additional Public Prosecutor for the State respondent.

2. This bail application under Section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioners, namely, (1) Liton Das and (2) Pappu Das @ Papu Das, who are detained behind the bars since 13.05.2024, (for the last 45 days), in connection with Uluani P.S. Case No. 47/2024 under Section 120(B)/328 of the Indian Penal Code read with Section 20(b) (ii)(B)/25/29 of NDPS Act, 1985.

3. The gist of accusation in this case is that on 12.05.2024, one Ayub Khan, SI of Police of Uluani Police Station, had lodged an FIR before the Officer-in-Charge of Uluani Police Station, *inter-alia*, alleging that on receipt of an information through reliable sources that two numbers of drug peddlers were carrying huge quantity of drugs in a motorcycle from Ambagan to Lakhanabandha Chariali under Uluani Police Station.

4. A police party was constituted to conduct a search and a naka checking was organised at Lakhanabandha Chariali under Uluani Police Station.

5. During the search operation the aforesaid vehicle was intercepted and the above named petitioners were apprehended and during search of the said motorcycle 5.137 kgs of suspected ganja was recovered from them.

6. Learned counsel for the petitioners has submitted that the quantity of contraband seized in this case is of intermediate quantity and the petitioners have already been detained behind the bars since last 45 days and considering the period of detention, they may be allowed to go on bail.

7. On the other hand, learned Additional Public Prosecutor has produced the case diary of Uluani P.S. Case No. 47/2024 and has submitted that the

investigation has fairly progressed and same is pending only for FSL report.

8. Considering the progress made in the investigation as well as period of detention already undergone by the above named petitioners, this Court is of the considered opinion that their further custodial detention may not be necessary for fair completion of the investigation in Uluani P.S. Case No. 47/2024.

9. In view of above reasons, the above-named petitioners are allowed to go on bail of Rs.30,000/- (Rupees Thirty Thousand only) each with one surety of like amount subject to the satisfaction of the learned Special Judge, Nagaon with the following conditions:-

i. That the petitioners shall cooperate in the trial and shall appear before the Trial Court as and when so directed by the Trial Court without fail;

ii. That the petitioners shall not directly or indirectly make any inducement, threat or promise to any of the listed witnesses or any other person/persons who may be acquainted with the facts of the case so as to dissuade such persons from disclosing such facts during the trial.

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

JUDGE

Comparing Assistant