

GAHC010107742024



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

Case No. : Bail Appln./1573/2024

PRASANTA SHARMA
S/O SRI PULEN SHARMA, P/R/O SILPUKHURI, NEAR NABAGRAHA
MANDIR, P.O.-SILPUKHURI, P.S.-CHANDMARI, GUWAHATI, DIST-KAMRUP
(M), ASSAM, PIN-781003 AND P/R/A SHUTTLE GATE, P.O.-MALIGAON, P.S.-
JALUKBARI, GUWAHATI, DIST-KAMRUP (M), ASSAM, PIN-781011

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR, ASSAM

Advocate for the Petitioner : MR. R Deka

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA
ORDER**

24.06.2024

Heard Mr. S. I. Akand, learned counsel for the petitioner. Also heard Mr. M. P. Goswami, learned Additional Public Prosecutor for the State respondent.

This application under Section 439 of the Code of Criminal Procedure, 1973, praying for grant of bail to the accused/petitioner, who has been languishing in jail since 12.05.2024 in connection with Jalukbari P. S. Case No.232/2024 registered under Sections 22(a)/29 of NDPS Act.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Akand, that the present petitioner is innocent and he is no way involved in the alleged offence. He also submitted that the petitioner was arrested only on the ground of suspension and despite that nothing has been recovered from his possession. He further submitted that the petitioner is behind the bar for last 43 days and accordingly, considering the length of detention undergone by the accused/petitioner, he may be enlarged on bail as the I.O. has got sufficient time for his custodial interrogation. It is further submitted that the petitioner is the only bread earner of the family and in his absence there is no one to look after his family members.

On the other hand, the learned Additional Public Prosecutor, Mr. Goswami, has submitted that though the recovered contraband was small in quantity, but, the Case Diary reveals that the accused/petitioner along with others were drug

peddlers and they used to sell the contraband and accordingly he submits that the accused/petitioner is also involved in the alleged offence. He further submitted that the said contraband was sent for examination to FSL, but, till date they have not received any report from the concerned authority.

Considering the submissions of learned counsels for both sides, I have perused the Case Diary which reveals that though the contraband was not recovered directly from the possession of the accused/petitioner, but, there are sufficient materials collected by the IO against the accused/petitioner. However, from the Case Diary, it is seen that there is no probability of filing of the charge-sheet within the statutory period as till date, the IO has not taken any steps to get the FSL report from the concerned authority which was sent on 18.05.2024 for sample examination along with that there is no note from the IO in regards to further investigation of the case. Thus, considering the length of detention already undergone by the accused/petitioner, i.e. 43 days, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner in the custody and accordingly, further custodial interrogation of the accused/petitioner seems to be not necessary here in this case.

Accordingly, it is provided that on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) only with one surety of like amount to the satisfaction of the learned Special Judge, Kamrup (M), the accused/petitioner, namely, Sri Prasanta Sharma, be enlarged on bail, subject to the following conditions:

- (i) that the petitioner shall make himself available for interrogation by the Investigating Officer as and when required;

- (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 (M), without prior permission.

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

Return the Case Diary.

JUDGE

Comparing Assistant