

GAHC010108432024



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

Case No. : Bail Appln./1613/2024

SAGAR SUBBA
S/O KARNA BH. SHUBBA
R/O VILL- DURPANG
NARAYANPUR
P.O. AND P.S. SIMALUGURI
DIST. LAKHIMPUR
ASSAM
PIN-784164

VERSUS

THE STATE OF ASSAM
REP BY THE PP
ASSAM

Advocate for : MR. S CHOWDHURY
Advocate for : PP
ASSAM appearing for THE STATE OF ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 20.06.2024

Heard Mr. S. Chowdhury, learned counsel for the petitioner. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

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 Gohpur P.S. Case No. 62/2014, under Sections 21(a)/29 of the NDPS Act, 1985.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. Chowdhury, learned counsel for the petitioner, that as per the contents of the F.I.R., only small quantity of contraband was recovered from the possession of the petitioner. Further, the accused/petitioner is behind the bar for last 51 days and there is sufficient progress in the investigation of the case and the I.O. got ample opportunity to interrogate the accused/petitioner keeping him in custody. However, the accused is ready and willing to co-operate with the I.O. in the further investigation of the case if he is released on bail.

In this context, Mr. Baruah, learned Additional Public Prosecutor, has submitted that there are sufficient progress in the investigation of the case.

However, the FSL report is yet to be received by the police and he also made enquiry to the I.O. concerned, who informed that they have not received the FSL report till date. Further he submitted that 14 grams of heroin has been recovered from the possession of the accused/petitioner, which can be considered as intermediate quantity.

After hearing the submissions made by the learned counsels for both sides and also considering the progress of investigation, viz-a-viz the length of detention already undergone by the accused/petitioner, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioner keeping him 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 District & Sessions Judge, Biswanath, the accused/petitioner, namely, Sagar Subba, 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 District & Sessions Judge, Biswanath, without prior permission.

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

JUDGE

Comparing Assistant