

GAHC010110632024



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

Case No. : Bail Appln./1599/2024

DIGBIJOY NAVIS
S/O LATE RATHINDRA NATH NOBIS,
R/O VILL- H/NO. 4, 4TH FLOOR,
FLAT NO. 4AB, GANPATI ENCLVE, SEWALI PATH, HENGRABARI,
GANESHGURI, P.S. DISPUR, DIST. KAMRUP (M), ASSAM, PIN-781036

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. D DAS SR. ADV

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 26.06.2024

Heard Mr. M. Biswas, learned counsel for the petitioner and also Mr. B. Sharma, learned Addl. Public Prosecutor for the State.

2. By filing this application under Section 439 CrPC, the petitioner namely, Digbijoy Navis, has prayed to release him on bail in connection with Dispur PS Case No. 2277/2023 under Section 21(b)/22(c)/29 of NDPS Act, 1985.

3. The background of the case is that on 08.12.2023, an FIR has been lodged on receipt of the information by Officer-in-Charge of Dispur Police Station that business of illicit drugs was going on since long time at Ganpati Enclave, Sewali Path, Hengrabari Area. Accordingly, police raided and searched Ganpati Enclave and arrested the petitioner and another person. The alleged contraband items were recovered from the car of the accused petitioner bearing No. AS 01 AM 0008. Accordingly, a case was registered vide Dispur PS Case No. 2277/2023 under Section 21(b)/22(c)/29 of NDPS Act.

4. The learned counsel for the petitioner has submitted that the suspected cocaine which was recovered from the car of the accused petitioner was 33.71 grams which appears to be intermediate quantity and falls under the purview of Section 21(b) of NDPS Act. The suspected MDMA which was recovered from the car of the petitioner was weighing about 11.64 grams. The commercial quantity for MDMA is 10 grams under the NDPS Act. It is further submitted that subsequently charge sheet has been laid along with the FSL Report which reveals that the alleged contraband suspected to be MDMA is found to be Methamphetamine and as per schedule of NDPS Act, commercial quantity of Methamphetamine is 50 grams. As such, 11.64 grams of Methamphetamine falls under intermediate quantity wherein the mandatory period is 60 days.

5. According to learned counsel for the petitioner, the accused petitioner has been detained in custody since 08.12.2023 i.e. more than six months. Considering the length of detention, the accused petitioner may be enlarged on bail.

6. In response, learned Addl. PP has confirmed that charge sheet has been

submitted in the case and as per FSL Report, the seized contraband items are cocaine and Methamphetamine.

7. Having heard the learned counsels for the parties as well as considering the length of detention, this Court is of the view that further custodial interrogation of the petitioner is not required.

8. Accordingly, the accused petitioner, named above, shall be released on bail in connection with Dispur PS Case No. 2277/2023 registered under Section 21(b)/22(c)/29 of NDPS Act, 1985 on furnishing bail bond of Rs. 100,000/- (Rupees one lakh) only with two suitable sureties of the like amount to the satisfaction of the learned Special Judge(NDPS), Kamrup(Metro), Guwahati.

9. The direction for bail is further subject to the following conditions that the accused petitioner –

a) shall not leave the territorial jurisdiction of learned Trial Court without prior written permission from him/her.

b) 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.

10. In terms of the above, the bail application stands disposed of.

JUDGE

Comparing Assistant