

GAHC010115452024



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

Case No. : I.A.(Crl.)/551/2024

PANKAJ KAKOTY
S/O HAREN KAKOTY
R/O RUKMINIGAON,
DISPUR, P.S. DISPUR,
DIST. KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM,
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR. A M BORA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 25.06.2024

Heard Mr. D. K. Baidya, learned counsel for the applicant. Also heard Mr. R. J. Baruah, learned Additional Public Prosecutor for the State respondent.

2. This interlocutory application has been filed praying for relaxation/modification of the bail order dated 07.10.2021, passed by this Court in Bail Appln. No. 2474/2021.

3. It is submitted by Mr. D. K. Baidya, learned counsel for the applicant, that while granting bail to the present applicant in connection with NDPS Case No. 153/2021, arising out of Latasil P.S. Case No. 282/2021, under Sections 188/120(B)/269/270 of the Indian Penal Code *read with* Sections 2(a)/21(b)/25/29 of the NDPS Act; Section 67 of the I.T. Act; and Sections 4 & 5 of the Assam Bhang and Ganja Prohibition Act, which is presently pending before the Court of learned Additional District & Sessions Judge No. 5, Kamrup(M) cum Special Judge, NDPS, this Court has imposed certain conditions on the present applicant and as per the condition "(b)" at paragraph No. 11 of the bail order dated 07.10.2021, passed in Bail Appln. No. 2474/2021, the applicant was directed to deposit his Passport/visa etc., if any, in the Court of learned jurisdictional Special Judge. Accordingly, the applicant had deposited his Passport before the Court of learned Additional District & Sessions Judge No. 5, Kamrup(M) cum Special Judge, NDPS as per the direction of this Court. Further, the applicant has at all times complied with the direction of the bail order and

has remained present before the learned Trial Court on regular basis without fail seeking exemptions from personal appearance whenever it was necessary, which were allowed. He further submitted that the applicant is required to travel for detailed discussion for a project for setting up of flexible packaging factory in Assam by a company based in United Arab Emirates and the meeting is scheduled between both the parties and the applicant is invited to the same and furthermore he has various other business transactions and conferences which he has to attend outside India and accordingly, this interlocutory application has been filed to return the Passport otherwise it will cause prejudice to him. Accordingly, it is prayed for modification/revocation of the condition “(b)” in paragraph No. 11 of the bail order dated 07.10.2021 and also prayed to allow releasing of Passport to the applicant.

4. In this context, Mr. R. J. Baruah, learned Additional Public Prosecutor, has submitted that as per the bail condition No. “(a)” in paragraph No. 11 of the order dated 07.10.2021, the applicant shall not leave the territorial jurisdictional of the Special Judge without prior written permission from him. However, he raised no objection in releasing the Passport by modifying/revoking the bail condition No. 11(b) passed by this Court in Bail Appln. No. 2474/2021, vide order dated 07.10.2021.

5. Considering the submissions made by the learned counsels for both sides, conduct of the accused/applicant and other aspects of the matter, the prayer of the applicant is hereby allowed. Accordingly, the condition No. 11(b) of the order dated 07.10.2021, passed by this Court in Bail Appln. No. 2474/2021, is hereby modified and the learned Additional District & Sessions Judge No. 5,

Kamrup(M) cum Special Judge, NDPS is hereby directed to release the Passport of the applicant by retaining a legible scanned copy thereof.

6. With the above direction, this interlocutory application stands disposed of.

JUDGE

Comparing Assistant