

GAHC010117492024



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

Case No. : Bail Appln./1711/2024

BOAZ MENASHE AND ANR
S/O- CH. PRAPHULO
VILL- NEW SHIJANG, P.S. MOREH
DIST- CHANDEL, MANIPUR
PRESENT ADDRESS-
R/O BEHIND KHATKHATI SBI BRANCH,
P.S. KHATKHATI
DIST. KARBI ANGLONG, ASSAM

2: UDAY NARAYAN PRASAD
S/O LT. LAL BAHADUR PRASAD
R/O H.N O. 601
WARD NO. 8
RAILWAY COLONEY
P.S. EAST POLICE STATION
DIMAPUR
NAGALAND

PRESENT ADDRESS-
VILL- KHATKHATI TILA BASTI
P.S. KHATKHATI
DIST. KARBI ANGLONG
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S MUNIR

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 21.06.2024

Heard Mr. S. Munnir, learned counsel for the petitioners. 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 granting regular bail to the accused/petitioners in connection with Khatkhathi P.S. Case No. 58/2024, under Sections 21(b)/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 petitioners, Mr. Munnir, that both the accused/petitioners are not involved in the alleged offence as stated in the FIR, though, it is a fact that they used to consume the narcotic drugs. It is submitted that on the day of incident, 21.3 gm of narcotic drugs was recovered from the possession of the accused/petitioners, which is much less than commercial quantity. He further submitted the accused/petitioners are behind the bar for last 50 days and thus, the I.O. has got sufficient time for their interrogation and hence, further custodial detention may not be necessary in the interest of the investigation.

In this context, the learned Additional Public Prosecutor, Mr. Baruah, submitted that Case Diary called for, has already been received, but the FSL report is not available in the said Case Diary and on enquiry it is informed by the

Investigating Officer that the FSL report is yet to be received from the concerned Authority. He also submitted that there is a less chance of submitting the charge-sheet within the statutory period. Further, from the seizure witnesses, it is seen that the recovery was made from both the accused/petitioners, which amounts to 21.3 gm of narcotics drug and subsequently, the case record revealed that they have purchased the said drugs from one Naga person only for their self consumption.

Considering the submissions of learned counsel for both sides as well as materials available in the Case Diary and also considering the fact that the Investigating Officer is not in a position to file the charge-sheet within the statutory period as the FSL report is yet to be collected aforesaid authority, thus, I am of the view that the I.O. has got ample opportunity to interrogate the accused/petitioners in the custody and accordingly, further custodial interrogation of the accused/petitioners 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 each with two surety of like amount to the satisfaction of the learned Special Judge, Diphu, Karbi-Anglong be enlarged on bail, subject to the following conditions:

- (i) that the petitioners shall make himself available for interrogation by the Investigating Officer as and when required;
- (ii) that the petitioners 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 petitioners shall not leave the jurisdiction of the learned Special Judge, Diphu, Karbi-Anglong, without prior permission.

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

The Case Diary be sent back.

JUDGE

Comparing Assistant