

GAHC010123722024



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

Case No. : Bail Appln./1789/2024

MONTU BORAH
S/O SRI RANJIT BORAH
R/O VILL- SANTINAGAR
GOGAMUKH
P.S. GOGAMUKH
DIST. DHEMAJI, ASSAM

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. P HAZARIKA

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

Date : 28.06.2024

Heard Mr. P. Hazarika, learned counsel for the petitioner. Also heard Mr. B.B. Gogoi, learned Additional Public Prosecutor for the State.

This application under section 439 of the Code of Criminal Procedure, 1973 has been filed by the petitioner, namely, Sri Montu Borah, who has been detained behind

the bars since 06.06.2024 (for last 22 days) in connection with Dhemaji P.S. Case No. 85/2024 under Sections 21(b)/ 27 of the NDPS Act, 1985.

The gist of accusation against the present petitioner in this case is that one Sri Amit Dey, Sub-Inspector of Police lodged an F.I.R. on 05.06.2024 before the officer-in-charge of Dhemaji Police Station *inter-alia*, alleging that on 05.06.2024 during Naga Checking, the informant apprehended one Sri Krishna Saikia @ Dhunu a drugs peddler and recovered suspected heroin drugs from his possession and during search 8 numbers of were apprehending including the present petitioner, who it is alleged they used to purchase drugs from the said Krishna Saikia @ Dhunu .

The learned counsel for the petitioner has submitted that on perusal of the FIR, it reveals that nothing was seized from the present petitioner and he was arrested only on the ground of consumption of drugs and he used to purchase drugs from the said peddler Sri Krishna Saikia @ Dhunu.

On the other hand, learned Public Prosecutor has produced the case diary of Dhemaji P.S. Case No. 85/2024 and has submitted that nothing was recovered from the possession of the present petitioner. He further submits that the petitioner and the other accused persons were arrested on the basis offence of consumption of drugs as per their statement and nothing was seized from their possession and the seizure was made from the possession of Sri Krishna Saikia @ Dhunu.

I have considered the submissions made by learned counsel for both the sides and perused the materials available on record including the case diary of Dhemaji P.S. Case No. 85/2024.

Considering the facts that nothing was recovered from the possession of the present petitioner and also considering the fact that investigation of this case has fairly progressed, this court is of the view that further custodial detention of the petitioner does not appear to be necessary for fair completion of the investigation of Dhemaji P.S. Case No. 85/2024.

Hence, the petitioner, namely, Montu Borah is allowed to go on bail of Rs.

30,000/ (Rupees thirty thousand only) with one surety of like amount subject to the satisfaction of the learned trial Court with the following conditions:

(i) That the petitioners shall not directly or indirectly make any inducement, threat or promise to any person who may be acquainted with the facts of the case, so as to dissuade such person from disclosing such facts of the case before the Investigating Officer.

(ii) That the petitioners shall co-operate in the investigation.

With the above observation, this bail application is accordingly disposed of.

Send back the case diary.

JUDGE

Comparing Assistant