

GAHC010124452024



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

Case No. : Bail Appln./1984/2024

BUTAN AICH
S/O- LT. DULAL AICH, R/O- NARSINGPUR, P.S. AIRPORT WEST TRIPURA,
DIST.- WEST TRIPURA, TRIPURA

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE PP ASSAM

Advocate for the Petitioner : S AHMED, MS A HUSSAIN, MR M RAHMAN

Advocate for the Respondent : PP, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE MALASRI NANDI

ORDER

Date : 16.08.2024

Heard Mr. S. Ahmed, learned counsel for the petitioner and Mr. P.D. Goswami, learned Addl. Public Prosecutor for the State respondent.

Scanned copy of the case record is received and perused.

This is an application under Section 439 Cr.P.C., filed by the petitioner, namely **Sri Butan Aich**, praying for bail who was arrested on 21.12.2023 in connection with NDPS Case No.

53/2024 (arising out of Lanka P.S. Case No. 554/2023) under Section 21(C)/29 of the NDPS Act.

It is submitted by the learned counsel for the petitioner that the petitioner has been detained in custody for last 10 months and out of 16 prosecution witnesses, only 7 witnesses have been examined and none of the prosecution witnesses have implicated the petitioner in connection with the incident. The accused/ petitioner was arrested on the basis of the statement of the two co-accused, which is not admissible in the eye of law. In this connection, the leaned counsel has relied upon a decision of this court in the case of **Khalil Uddin & Anr. Vrs. Union of India & India** reported in **2022 (3) GLT 839**.

On the other hand, leaned Addl. P.P. has submitted that the petitioner was arrested on 21.12.2023 and charge sheet was filed on 30.03.2024. Out of 16 prosecution witnesses, 7 witnesses have already been examined. Charge was framed on 22.04.2024 and within a period of two months, 7 witnesses have been examined and as such there was no delay in the trial. So, prayer for bail may not be considered at this stage.

I have considered the submissions of the learned counsel for the parties and on perusal of the record, it appears that out of 16 prosecution witnesses, 7 witnesses have already been examined and 9 witnesses are yet to be examined by the prosecution. As such it cannot be said at this stage that there are reasonable grounds to believe that the petitioner is not guilty and if he is released on bail, he will not commit such type of offence.

In view of the above, this court is not inclined to grant bail to the petitioner. Accordingly, the bail prayer stands rejected.

Return the case diary.

JUDGE

Comparing Assistant