

GAHC010125632024



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

Case No. : Bail Appln./1881/2024

GOURI CHOUHAN AND ANR.
W/O LATE RAMATAR CHOUHAN @ RAM ABATAR CHOUHAN
R/O MONAKOSHA
P.S. MANIKPUR
DIST. BONGAIGAON, ASSAM
PIN-783392

2: MEENA CHOUHAN
D/O LATE RAMATAR CHOUHAN
R/O MONAKOSHA
P.S.MANIKPUR
DIST. BONGAIGAON
ASSAM
PIN-78339

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 22-07-2024

Heard Mr. S. C. Biswas, learned counsel for the petitioners. Also heard Mr. P. Borthakur, learned Additional Public Prosecutor for the State respondent.

This is an application under Section 439 of the Code of Criminal Procedure praying for grant of bail to the accused/petitioners, who have been arrested in connection with Manikpur P.S. Case No. 82/2024, under Section 20(b)(ii)(B) of the NDPS Act *read with* Section 4 of the Assam Ganja and Bhang Prohibition Act, 1958, corresponding to G.R. Case No. 346/2024.

Case Diary has been received. Perused the same. Heard both sides.

It is submitted by Mr. S. C. Biswas, learned counsel for the petitioners, that both the accused/petitioners are innocent and they were arrested by police with some false and concocted allegations. However, they are behind the bar for last 44 days and hence, considering their length of detention, they may be enlarged on bail. They are still ready and willing to co-operate with the I.O. in the further investigation of this case if they are granted with the privilege of bail.

In this context, Mr. Bothakur, learned Additional Public Prosecutor, has submitted that both the accused/petitioners are directly involved in the alleged

offence and they used to sell the cannabis/ganja by purchasing from others and from their statements made before the I.O., it is evident that they deals with the business of ganja. However, he submitted that considering their length of detention, their bail prayer may be considered.

Considering the submissions made by the learned counsels for both sides, without going by the merit of the case and only considering the length of detention, I am of the view that the I.O. has got ample opportunity to interrogate the accused/ petitioners keeping them in 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 one surety of like amount to the satisfaction of the learned Special Judge, Bongaigaon, the accused/petitioners, namely, (i) Gouri Chouhan & (ii) Meena Chouhan, 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, Bongaigaon, without prior permission.

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

JUDGE

Comparing Assistant