

GAHC010125732024



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

Case No. : Bail Appln./1875/2024

AMARENDRA KUMAR
S/O SRI AVDESH KUMAR
R/O VILL- KANAK BIGHA
P.S. THARTHARI
DIST. NALANDA, BIHAR-801307

VERSUS

THE STATE OF ASSAM
REP. BY THE PP, ASSAM

Advocate for the Petitioner : MR B M DEKA

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA**

ORDER

Date : 22.07.2024

Heard Mr. B. M. Deka, learned counsel of the petitioner. Also heard Mr. K. K. Parasar, learned Additional Public Prosecutor representing the State respondent.

This application filed under Section 439 of the Code of Criminal Procedure, 1973, is preferred by the accused/petitioner, namely, Amrendra Kumar, who has been languishing in jail since 07.06.2024 in connection with Guwahati GRPS Case No.128/2024, registered under Sections 20(b)(ii)(B) & 29 of the NDPS Act, 1985.

The Case Diary has been received and I have perused the same.

It is submitted by the learned counsel for the petitioner, Mr. Deka, that the accused/petitioner is innocent and nothing has been recovered from his possession. As per the First Information Report (FIR) itself, it is seen that the contraband was found in the seat of the accused/petitioner, but there is no mention that the said contraband was being seized from the conscious possession of the present petitioner. He further submitted that the petitioner is a student and he is behind bar for the last 45 days, and thus, the investigating officer (IO) got ample opportunity to interrogate the accused/petitioner, keeping him in custody. Therefore, he prays to enlarge the present petitioner on bail considering his length of detention.

On the other hand, Mr. Borthakur, learned Public Prosecutor, has submitted

that the statement of the accused/petitioner itself reveals that he was well aware of the contents of the contraband and that he brought these contraband items from Agartala with the intention to sell them in Bihar. Additionally, it is stated that two other culprits involved are juveniles. He further submitted that, till date, the IO has failed to collect the FSL Report which was sent for examination. Thus, at this stage, he raised objections to granting bail to the accused/petitioner.

After hearing the submissions made by the learned counsels for both sides and upon perusal of the Case Diary along with the Case Record, it is evident that there is sufficient incriminating material available against the accused/petitioner. However, there is no indication from the IO regarding the collection of the FSL Report within a short period or the submission of the charge-sheet within the stipulated time. Therefore, I am of the view that the I.O. has got ample opportunity to interrogate the accused/ petitioner keeping him in the custody and accordingly, further custodial interrogation of the accused/petitioner 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 with two sureties of like amount (one must be a Government Servant) to the satisfaction of the learned Special Judge, Kamrup (M), the accused/petitioner, namely, **Amrendra Kumar**, be enlarged on bail, subject to the following conditions:

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

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

JUDGE

Comparing Assistant